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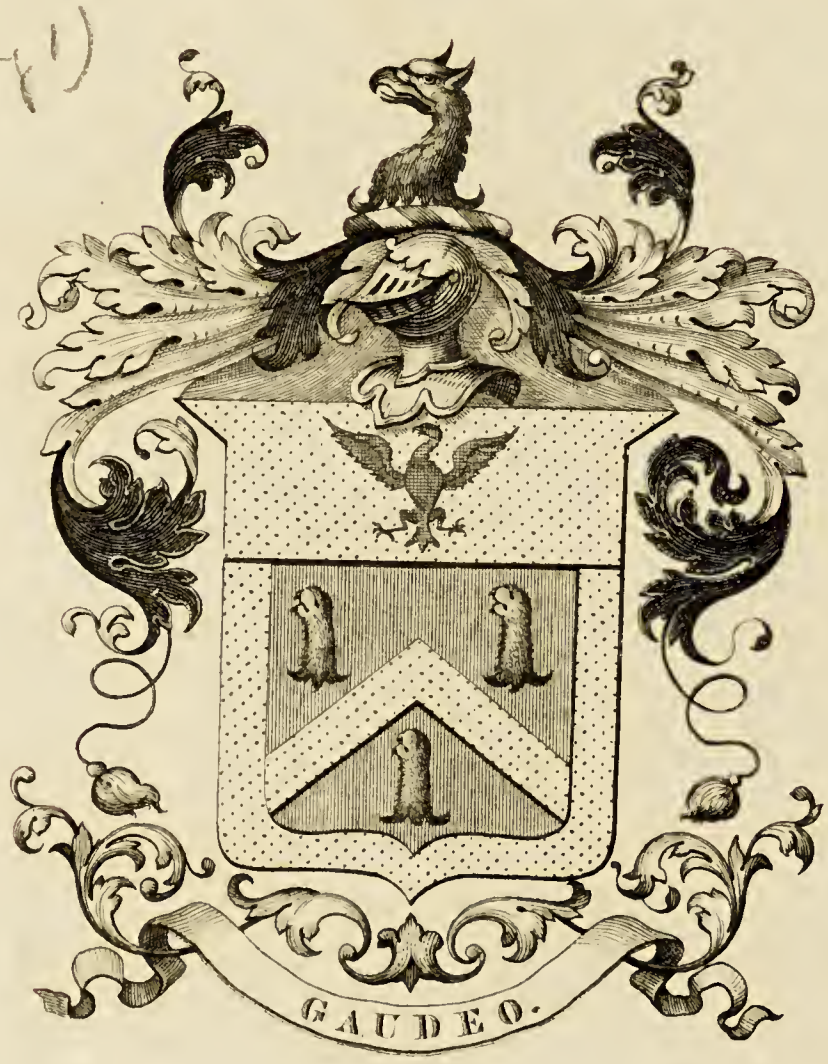

John Carter Brown.

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By Benjamin Franklin
Not Joseph Galloway.
See Card catalogue.

JOHN CARTER BROWN

A TRUE and IMPARTIAL STATE Of the Province of PENNSYLVANIA.

Containing,

An exact Account of the Nature of its Government; the Power of the Proprietaries, and their Governors; as well thoſe which they derive under the Royal Grant, as thoſe they have ASSUMED in manifeſt Violation thereof, their Father's Charter, and the Rights of the People: Alſo, the Rights and Privileges of the Aſſembly, and People, which they claim under the ſaid Grant, Charter, and Laws of their Country, CONFIRMED by the Royal Approbation.

With a true Narrative of the Diſpute between the Governors and Aſſemblies, reſpecting the Grants of Supplies ſo often made by the Latter, and rejected by the Former. In which is demonſtrated, by inconteſtable Vouchers, that ARBITRARY Proprietary Inſtructions, have been the TRUE and ONLY Cauſe of the Refuſal of ſuch Supplies, and the late defenceleſs State of the Province.

The whole being a full Anſwer to the Pamphlets intitled A BRIEF STATE, and A BRIEF VIEW, &c. of the Conduct of PENNSYLVANIA.

Unlimited Power is ſo wild and monſtrous a Thing, that however it be to DESIRE it, it is as natural to OPPOSE it; nor ought it to be truſted with any mortal Man, be his Intentions ever ſo juſt: For beſides that he will never CARE to part with it, he will rarely DARE.

Cato's Letters.

That Men ought to ſpeak well of their Governors is true, while their Governors DESERVE to be well ſpoken of, but to do public Miſchief without hearing of it, is only the Prerogative and Felicity of Tyranny: A FREE PEOPLE will be ſhewing that they are ſo, by their FREEDOM OF SPEECH.

ibid.

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(RPJCB)

TO

The Right Honorable

WILLIAM PITT, Esq;

One of His MAJESTY's principal Secretaries of State.

SIR,

MEN of the higheſt Eſtimation for Virtue and Learning have declared, that no Change of Climate, no diſtance of Place can deſtroy, or even abridge thoſe Rights and Privileges, which a *Briton* derives from his Nativity. They are Bleſſings that inſeparably wait on his Perſon, in all his Migrations and Settlements. This Opinion founded on the Principles of Reaſon and natural Equity, has received an additional Sanction and Authority from your Conduct ever ſince your *deſerved* Exaltation, to the important Poſt and Truſt

Truſt you have filled and diſcharged with ſuch univerſal Applauſe. Your Care and Efforts which have been long wiſely and fortunately exerted for the Preſervation of the Liberties of Mankind, have not been confined to the happy Iſland you live in; but in a remarkable Manner extended to theſe remote Parts of the World, whoſe infinite Importance to the Glory and Intereſt of their Mother Country, you have been one of the firſt to diſcover. 'Tis to you Sir, under the Influence and happy Auſpices of our moſt gracious and good Sovereign, that His Majeſty's moſt faithful and loyal Subjects in *America*, are indebted, for their late Eſcape from the Barbarities of a *Savage* Enemy, the Yoke of *French* Servitude, and *popiſh* Superſtition.

The Province of *Pennſylvania* has, *by her own Induſtry alone*, made great Advances towards Commerce and Opulence, notwithſtanding the ſhort Æra of her Settlement; and, tho' ſhe has encountered many Difficul-

ties

ties and Impediments in complying with the Demands of her Sovereign, may juſtly claim no inconſiderable Share in the Military Operations, which have in a great Meaſure, reſtored Peace to her own and the Borders of the neighbouring Provinces. Her preſent flouriſhing State has flowed intirely from the Excellence of her Conſtitution, equally adapted to preſerve the juſt Prerogatives of the Crown, and the Rights and Liberties of the Subject, and nearly reſembling that of her Mother Country. Upon the Preſervation of this Conſtitution, and the Liberties derived from it, the preſent and future Happineſs of the People entirely depend. When any Attempt therefore has been made to wound or ſubvert that Conſtitution, to enfeeble its Laws, to weaken its Power of Defence, and to prevent its paying a chearful and reaſonable Obedience to the royal Commands, to whom can ſhe Apply? Whoſe Patronage and Protection can ſhe implore with greater Propriety, than his, whoſe extenſive Benevolence

volence and public Spirit, have been ſo happily experienced, both in *Europe* and *America*. You Sir, have by your Attention to the Welfare of theſe Colonies, releaſed us from the Apprehenſions of foreign Tyranny, which has imbolden'd us to beſeech you, to compleat the glorious Office, and relieve us alſo from *domeſtic Oppreſſion*.

THIS *Pamphlet* therefore, in Vindication of the Conduct of the Aſſembly of *Pennſylvania*, and the Freedom of its Inhabitants, comes naturally to crave your Patronage and Protection, as the conſtant and generous Patriot of your Country, as a lover of Liberty, and as the great and faithful Friend of *America*. But if a Stranger to your Perſon, ſhould be thought too preſumptuous in addreſſing to you this Performance in behalf of the injured Community, of which I am a Member, the high reſpect and Veneration I entertain for your great Merit and Abilities, the Rectitude of my Intentions, and the Duty I apprehend I am under of diſcloſing

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the Truth to a Gentleman ſo remarkable for redreſſing the injured and relieving the Oppreſſed, will I hope ſecure me a Pardon and incline you to believe that I am actuated by no other Motive but a *Share* of that Spirit and Love for my Country, which conſtitutes ſo noble a Part of your public Character. *I am Sir,*

With the higheſt Eſteem and Reſpect,

Your moſt Obedient

Humble Servant,

The Author.

A

True and Impartial STATE, &c.

WHEN that extraordinary Performance the BRIEF STATE, first appeared among us, it was treated with the utmost Contempt by every Man of Sense and common Capacity, who, from the notoriety of the Facts *themselves*, could easily detect the gross Untruths, and flagrant Misrepresentations it contained. It was deemed a meer Rhapsody of Calumnies and Invectives against the *Quakers* and *Germans*, and an infamous Libel against our Assembly and Constitution; nay, so generally was it condemned, that the Author himself grew ashamed of his Production, and publicly disavowed it. From this Prospect of its Effects here, none thought it worthy a Remark, much less a formal Refutation. And as to its Effects with the Parliament and Ministry of our Mother Country, we could not, without arraigning that *Justice* we have so often experienced, that

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tender Concern for our Rights and Properties, which they have, more than once convinced us of, ſuſpect that a Pamphlet filled only with Aſſertions as peremptory as they are abſurd and improbable, could have any Influence with them. For, whoever thinks fit to beſtow the leaſt Attention upon this, and the Performance which followed it, *viz.* the BRIEF VIEW, their pernicious Tendencies, the extraordinary Remedy propoſed, and Plans laid down by the Pamphleteer, the Schemes he would have executed to ſupport them, together with the abuſive Raillery, and low Scurrilities they abound in, may, without much Penetration, perceive them to be little more than the *Effects* of *baffled Malice*, and the *Rage* of a diſappointed Party. Such are the Reaſons why theſe invidious Pamphlets have ſo long remained unanſwered, and the many groſs Falſhoods and Miſrepreſentations they contain, unrefuted. It could not be, as the Pamphleteer weakly ſuggeſts, "Becauſe "they contained Facts of a ſtubborn Nature," And becauſe "we found it in vain to combat the cleareſt "Evidence," * For neither of the Pamphlets contain a ſingle Fact material to his Purpoſe, nor has he favored the Public with the leaſt Degree of Evidence, to induce them to credit, and confide in his Aſſertions.

* Brief View, p. 7.

tions. 'Tis true, he has inſerted in his Sequel, ſeveral *inſolent Remonſtrances* to the Aſſembly, drawn up by *himſelf*, and ſigned by a few only of his own Party, not the twentieth Part of the Inhabitants of this City; and alſo ſeveral of the Governor's *artful* Meſſages, which were calculated rather to blind the Eyes of his Superiors, than to do the Country Service: But he has deſignedly omitted the *Anſwers* of the Aſſembly, and their *Reſolves* on thoſe Meſſages and Remonſtrances, which contained the fulleſt Evidence of their upright Deſigns and Intentions, at the ſame Time expoſing the Schemes ſet on Foot to ſubvert the Conſtitution, and to throw greater Power into the Hands of the *Proprietaries*, and *their Party*, than our gracious Sovereign himſelf, or his Miniſtry ever enjoyed. This obvious Partiality, is ſo far from being the "*cleareſt Evidence*," that it is an Argument of a bad Cauſe, and indicates a Heart bent upon the wicked Deſign of impoſing on the Wiſdom both of King and Parliament, to alienate His Majeſty's Favor and affection from this Colony, and to deſtroy that reciprocal Confidence between him and his People, which is the great Baſis and Support of his Prerogative, and of their Liberties. That having robbed us of the Favor we had long enjoyed, and the Protection we might with Confidence hope for from the beſt of

Kings

Kings, his Patrons and Party might, upon the Ruins of our Liberties, erect their desired Superstructure of despotic Power, and reduce to a State of Vassalage and Slavery, some of His Majesty's most faithful and loyal Subjects.

Such, and none other, could be the Design of those Pamphlets, to obviate which, and to prevent the Prejudices they may possibly create in the Mind of the *unwary* Reader, a Stranger to the Facts, and, by so doing, discharge my Duty to my Country, and Posterity, I have, in the following Sheets, endeavoured to give at once, a short and clear Idea of the Frame of Government of this Province, under our present Charters; the Powers, Rights, and Privileges of the two Branches of Legislature; the several Infringements and Innovations that have been arbitrarily made in our Constitution, by Ambition and "a "Thirst of others Right;" And fully evinced, that the People of this Province, have ever been a faithful, loyal and affectionate People; and that the Assemblies have been so far from being principled against Defence, that they have ever offered Supplies for His Majesty's Use, in such Manner as they judged most effectual, and at the same Time least oppressive to their Constituents: And lastly, that the true Cause,

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to which ALONE our Calamities and Diſtreſs have been juſtly imputable, is *arbitrary Proprietary Inſtructions*, which have defeated every Meaſure a free People could think of, for the Defence and Preſervation of their Lives, Liberties, Religion, and Fortunes.

IN the firſt of theſe Pamphlets, which he intitles A BRIEF STATE, *&c.* our Author aſſerts the "*Neceſ-*"*ſity of a Change in our Civil Conſtitution.*" The unprejudiced Mind will call for no greater Proof of his Partiality, than what flows from the following Conſideration. In Order to lay a Foundation, upon which to eſtabliſh this Doctrine, he begins with informing the Public what Powers and Privileges the Aſſembly are in Poſſeſſion of; but carefully avoids every Thing that has a Tendency to ſhew the *exorbitant Power*, and *unlimited Authority*, which our Proprietaries and their Governors not only claim, but conſtantly exerciſe over the diſcontented and oppreſſed Inhabitants. This is what Candor, Honor, and Conſcience ſhould have prevailed on him to have done: For, without it, no true Judgment could be formed of the Doctrine he intended to inforce, nor could the King, his Miniſtry or Parliament, for whoſe Peruſal this Performance was chiefly intended, ſee the Neceſſity of any Change,

nor,

nor, if they did, could they know how or where to make it. Whether, by depriving the Aſſemblies of this Colony, of thoſe Privileges they at preſent are entitled to; or, by clipping the Wings of enormous Proprietary Power; or, by taking his faithful Subjects of this Province, under His Majeſty's immediate Care and Protection. But a true Repreſentation of *Proprietary Power*, did not quadrate with this Gentleman's Syſtem of Politics: It would have rendered his Patrons obnoxious to His Majeſty's juſt Reſentment, for having deprived his loyal Subjects here, of the Liberties granted to them by his Royal Predeceſſor. It would have demonſtrated, that if any Change in our Civil Conſtitution was neceſſary, 'twas that only, of taking his faithful and affectionate Subjects under his immediate Care and Protection. But this would be ſtabbing their Schemes in a vital Part; 'twould be diveſting them of that Power they have already uſurped, and a means of diſappointing them in obtaining that, they have long ſo eagerly ſought for.

To ſap the Foundation of this Conſtitution, and raze the firm Baſis on which it is eſtabliſhed, is the *evident Deſign* of this Author; to accompliſh which, he lays down the following falſe and iniquitous Po-

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ſitions. " That, altho' Infant Settlements flouriſh " faſteſt under a Government leaning to the Repub- " lican or popular Form, yet, in Proportion as a " Country grows rich and populous, more *Checks* are " wanted to the Power of the People." That *nice* " *Regard* is to be paid to all the *Fluctuations* of " Trade, Property and other *Caſualties*, and the " Conſtitution *alter'd* and *adjuſted* to theſe Circum- " ſtances." He complains, " That the *People's* " Power here, has been continually *increaſing* with " their Numbers, and Riches, while the Power of " their Governors, far from keeping Pace with theirs, " hath rather been *decreaſing* in the ſame Proportion."

In anſwer to theſe Poſitions, I ſhall ſhew hereafter, That this Government, in its firſt Eſtabliſhment, and under our preſent Charters, does not incline more to a *popular* than *monarchical* Form, but, conſider'd as a Charter-Government, far diſtant from the Parental Eye of its *Mother-Country*, to be ruled by Perſons no ways connected with its Intereſt and Property, is as near the mix'd Form, as Wiſdom and Prudence could direct. It was founded on the ſame *Principles of Liberty and Induſtry*, and is a lively *Reſemblance* of its *Parent Conſtitution*. Its Foundation was *broad* and *capacious*, calculated to ſupport the *greateſt In- creaſe* of People, and the *largeſt Augmentation* of

Trade, ſo that *no Alteration* can be made in it, without endangering the *Ruin* of its Superſtructure. A Government erected on a *narrow* confined Baſis, deſtitute of that *Liberty* which the *Freedom* of Trade, and *Security* of Property require, ſuch as the *ſlaviſh Principles* of this Pamphleteer and his Patrons would naturally frame, might indeed call for conſtant *Patching* and *Amendment*; an Alteration both in its *Eſſence* and *Circumſtances*, and an adjuſtment of its Conſtitution to the Increaſe of Inhabitants, and Fluctuation of Commerce. In *ſuch a Government*, Maxims, like thoſe, might *ſafely* be apply'd, as it would without them, naturally fall into Convulſions, "and unleſs it were able to purge Itſelf by the "Strength of its *Stamina*, from thoſe narrow and "oppreſſive *Principles* upon which it was firſt found-"ed, muſt linger into certain Diſſolution." But to apply them to the *Engliſh Conſtitution*, or the *Government* of *Pennſylvania* ſo much like it, whoſe *Founder* is juſtly compared, for his Wiſdom and Policy in its Conſtruction, to the great *Lycurgus*, † is the Height of Nonſenſe and Abſurdity: It is ſecuring the Building by taking away its Foundation; preſerving the Conſtitution by adjuſting it to all the Fluctuations of Trade, Property and other Caſualties and

† Montesquieu de L' Eſprit de Loix.

and inſtead of eſtabliſhing it on the *broad capacious Rock*, on which it now lies, his *ridiculous Doctrine*, would inculcate the neceſſity of ſettling the Conſtitution, by expoſing it to a *perpetual mutability*, to be blown about by every Wind, and toſs'd by every Wave, that its *Stamina* might be the more eaſily changed, its Fundamentals altered, as beſt ſuited the *ambitious Purpoſes of his Maſters Will.*

But, to give a farther Specimen of this Author's *Juſtice* and *Conſcience*, let us ſuppoſe, tho' we are far from admitting it, that this Government in its firſt Conſtitution under our preſent Charters, was inveſted with certain Privileges which inclined it *rather* to a *popular* than monarchic Form: Theſe Privileges were *granted* to our Fathers and Predeceſſors, under a *Royal Contract*, and a *Proprietary Charter*. They were the *ſole Conſideration*, which induced them to ſurrender up the Bleſſings of their *native Country*, and go into a Kind of *Exile* in a ſavage Wilderneſs: They purchaſed them as an *Inheritance*, which they expected would be *perpetuated* to their *Poſterity*; and therefore, to project, or promote a Scheme to deprive ſuch Poſterity of thoſe very Privileges, by what this Author calls "*Checks* "to the Power of the People," as ſoon as they arrive

at a Capacity to enjoy them, is a *flagitious attempt* to *violate* the moſt *ſolemn Contracts*, and can be calculated for no other Purpoſe than to promote the *arbitary* and *deſpotic* Schemes of *Ambition* and TYRANNY. The *very Publication* of ſuch odious Doctrine, in a Land where *Juſtice* and *Liberty* prevail, may perhaps be thought an egregious Inſtance of our Author's *Folly* as well as Effrontery, but when compared with that groſs Perverſion of Facts, and thoſe *notorious Falſhoods* he is afterwards guilty of, 'tis *perfect Modeſty and Wiſdom.*

To prove, That the latter of this Gentleman's Poſitions, *viz.* That the Governor's Power has been *decreaſing*, while the Aſſembly's hath been *increaſing* in the ſame Proportion, is as deſtitute of *Truth*, as the Former is of *Juſtice:* I ſhall unfold all thoſe Facts, which he ſo carefully avoids, and give a ſhort, tho' ingenuous Account, not only of the Power of the Aſſembly, but alſo of the Proprietaries and their Deputies, from the firſt Settlement of the Province, under its preſent Charters, to this Time. This is a *Proprietary Government*, claimed and held by *Thomas* and *Richard Penn*, by virtue of a Grant from King CHARLES II. to their late *worthy* Father *William Penn*, the *wiſe Founder* of

this

this once flouriſhing Conſtitution. By Virtue of this Grant, all ſuch Powers were given, as were neceſſary to enable the Grantee to ſettle a Colony, and inveſt it with ſuch Laws and Liberties as would make this People *free and happy*, and render it capable of ſupporting the moſt *extenſive Trade, and largeſt Increaſe of Property*.

The *Quakers*, who ſeem to be the *principal Objects* of this Pamphleteer's Spleen, were the *firſt*, who at the Hazard of their *Lives* and *Fortunes*, ventured to engage with *William Penn*, to undertake *at that Time*, the *dangerous* Voyage to *Pennſylvania*, and to ſettle it as a Colony. Their principal motive to ſo hazardous an Enterprize, was that they might enjoy the *free Exerciſe of their Religion*, and that *Liberty of Conſcience*, which was then *denied* them in their *native Land*.

In the Year 1701, *William Penn*, by his Charter of Privileges, † did Grant, and in the moſt *ſolemn Manner* confirm, to all ſuch of the Inhabitants and Adventurers, as believed in one God, *full Freedom* and *Liberty of Conſcience*. And further, "That all "Perſons who profeſs to believe in Jesus Christ, "the

† Charter of Privileges, 1701.

" the SAVIOUR of the World, *ſhall be capable* (not-
" withſtanding their other Perſuaſions and Practices
" in Point of Conſcience and Religion) *to ſerve the*
" *Government in any Capacity, both Legiſlatively, and*
" *Executively*, he or they ſolemnly promiſing, when
" lawfully required, Allegiance to the King, as So-
" vereign, and Fidelity to the Proprietary and Go-
" vernor, and taking the Atteſts now eſtabliſh'd by
" the Law made at *New-Caſtle*, in the Year 1700."

Tho' we have many Inſtances of the *Wiſdom* of this *worthy Proprietor*, yet none ſo effectually demonſtrates his *extenſive Foreſight and Prudence* as this. He plainly *foreſaw* that a Government founded on ſuch *univerſal Principles* of *Liberty* and *Humanity*, would not long remain unſettled, and unimproved. The *Fame* of *theſe Privileges*, and the *Lenity* of the *then Adminiſtration*, which was in the Hands of the *Quakers*, gave ſuch *Encouragement* to many People of other Chriſtian Denominations, that they flocked over to this *new Country of Liberty* from all Parts of Europe, and ſettled here. By which means this Province grew very populous, and advanced its Trade and Riches in a ſhort Time. Such has been the *Wiſdom* and *Prudence* of *theſe People*, ſo *equitable* and *ſatisfactory their Adminiſtration*, that tho' the Inhabitants of this Province, differing from them in Principles

ciples of Religion, are as *Six* to *One*, they have been, for the moſt Part, *continued* in it, 'till their late *Voluntary* Reſignation. And with what Degree of *Juſtice* this was done, will appear from that State of *Peace and Tranquility* which the Inhabitants have ever enjoyed under *them*. They have ever cultivated a good Underſtanding with the Natives, and treated them with ſo much *Humanity* and *Juſtice*, that *this Province* ever ſince its *firſt Settlement*, till of late, during the Space of more than 70 *Years*, hath been preſerv'd in a State of *perfect Peace*; while ſeveral of the *Britiſh* Colonies have been engaged in continual Wars with them, had their Inhabitants murder'd, their Country ravag'd, and their People carried into an irredeemable Captivity. 'Tis true, this happy State is now removed, and a different Scene hath preſented itſelf, ſince *October* 1755, a Scene not more different than melancholy and diſtreſſing. The great *Pains* and *Aſſiduity* which *theſe People* have ever made uſe of to *promote* and *propagate Peace and Friendſhip* with the *Indians*, not having been ſufficient to counterbalance the many *Frauds*, and *unjuſt Meaſures* put in Practice by *Proprietary Agents*, to procure the moſt *exorbitant Tracts of Land* for a mere *Trifle*. Theſe Things the *Indians* have ſeverely reſented; and theſe are not the leaſt among

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the true Cauſes of all our late Calamities and murders, as our late Treaties with them demonſtrate.

By the ſame Charter of Privileges, "The Aſſembly are elected annually, have Power to chuſe a "Speaker, and other Officers; are Judges of the "Qualifications and Elections of their own Members; ſit on their own Adjournments; prepare "Bills for Paſſing into Laws; appoint Committees; "impeach Criminals and redreſs Grievances; and "have all other the Powers and Privileges of an "Aſſembly, according to the Rights of the Free-born Subjects of *England*, and as is uſual in any "of the *King's Plantations in* America." In theſe Privileges, the Aſſembly are further eſtabliſhed by an Act paſſed 4°. ANNE, which being tranſmitted to the King and Council for the Royal Approbation, received at that Board a full and final Confirmation. They have alſo by Law, a Power of chuſing and nominating the Provincial Treaſurer; the Truſtees of the Loan-Office; the Collector of the Exciſe; the Brander of Flour, Beef, and Pork; and the Health-Officer. The three firſt of theſe Officers, are in the Nature of Truſtees for the People, and have the Management of thoſe Funds to which the People alone contribute, and over which their Repreſentatives have

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the ſole Power. It cannot therefore be otherwiſe than juſt, that they ſhould have the Privilege of nominating ſuch as they conceive would act with Honor and Fidelity in thoſe Stations. This appeared ſo reaſonable, not only to the Governors when the Bills were preſented, inveſting the Aſſembly with ſuch Powers, that they paſſed without Objection, but alſo when they were tranſmitted to the Crown, they immediately received the Royal Approbation. As none of thoſe Offices, ſince the laſt Charter have been filled by the Governor's Nomination, with what Propriety does the Pamphleteer charge the Aſſembly with having * "*wreſted* them out of the Hands of the Governor." And by what Law of the Conſtitution was the Governor intitled to the Nomination of them? A Perſon unacquainted with our Author's ſophiſtical way of Writing, would imagine that the Aſſembly had alſo "wreſted from the Governor, the appointment of "moſt of the *Juſticiary* and *Executive* Officers, who "hold the moſt lucrative Poſts in the Govern-"ment." † Had this been the Caſe, they had certainly been wrong; but it is well known, that the Governor is in full Poſſeſſion of that Prerogative, and alſo that the Laws inveſting the Aſſembly with the above-mentioned

* Brief State p. 20. † ibid.

mentioned Power, are approved of, by the King and Council, according to the Directions of the Royal Grant. How then muſt he be aſtoniſh'd at ſo diſingenuous an Intimation, as that relating to the juſticiary Officers, and alſo at his *Confidence* in charging as a Crime upon the Aſſembly, the Exerciſe of *that Power*, which was finally eſtabliſh'd, by his *Majeſty's Royal Approbation?*

THROUGH the extreme ſcarcity of Gold and Silver in this Province, the Trade and Commerce thereof was much obſtructed, and the Payment of public Debts, and the Support of Government rendered very difficult. To remove theſe Inconveniences, the Legiſlature from Time to Time, as they found neceſſary, paſſed Laws for ſtriking Bills of Credit, and emitting them on Loan at Five Pounds *per Cent* Intereſt. This Intereſt Money being rais'd out of the Labour and Induſtry of the People, and to which the Proprietaries did not contribute, tho' they received uncommon Benefit therefrom, in the Sale of their Lands, it was thought but juſt, that the Aſſembly ſhould have the Power of appropriating, and diſpoſing of the Funds created thereby. But theſe Funds at firſt not being ſufficient to ſupport the Government, and defray the public Debts, ſundry

other

other Laws were paſſed, from Time to Time, for laying an Exciſe on Rum, Wine, Brandy, and other ſtrong Liquors. Theſe Duties alſo being paid by the People, and the Monies ariſing thereby intended for the Support of Government, the Aſſembly were, in like Manner, inveſted with the Power of diſpoſing thereof.

SUCH are the Powers and Privileges which the Aſſembly *legally* claim; and ſuch the Pamphleteer is pleaſed to call "*repugnant---unreſtrain'd*---Powers that "render the Governor and all the Officers of the "Province dependent on them." For now, ſays he, "They either vote, or withold the Salaries of all the "Governors, and other Officers, as they either are, "or are not the Creatures of the Aſſembly." By this he would inſinuate that the *Governors* of this Province, have a *ſtated Salary*, which they may of *Right demand*, and that the *Aſſembly* having a Power to diſpoſe of the Public Money, *wrongfully detain* it from them. But ſo *groundleſs* is this *Inſinuation*, that whatever Sums are voted by them for the *Governor*, are merely a *Benevolence*, and what he has *no Right to demand*, either by *Law* or *Cuſtom*. For it has been the continued Practice of our Aſſemblies, to *proportion* their *Gifts* to the *Service* done the *Public*, and they

have never been fixed either as to Time or Quantity. With what Juſtice then, can he accuſe the *Aſſembly* of *witholding* from the *Governor*, *that*, to which he has *no Right*; and which has ever been deemed a *Gratuity?* Or with what *Propriety* can he term it a *Salary?* Further, he would have it underſtood, that the *Aſſembly* have made it a *common Practice*, to *withold* the *Salaries* of *Officers*, who are not in their Intereſt. The Gentleman ſhould have given ſome Examples, of ſuch a Conduct; I know of none, ſave the *Salary* of the *King's Attorney*, which was done, on paſſing a Law to *increaſe his Fees*, and which made his Income by the *Fees only*, equal to what it had ever been before, with the *Fees and Salary together*. Thus do theſe Inſinuations vaniſh, and turn out no more than groundleſs Aſſertion.

I COME next to take a View of the *Powers* which the *Proprietaries* and their *Deputies aſſume to themſelves*, and enquire how far they are *agreeable* to the *Engliſh Conſtitution*; how far *conſiſtent* with the *Liberties of a free People*, and the *Royal* and *Proprietary Charters*, and whether the *Powers* and *Privileges* in the Hands of the *Aſſembly*, are more than *neceſſary* to counterbalance them.

THIS being a *Proprietary Government*, the *Governor* is *nominated* by the *Proprietaries*, and *approved* by the *Crown*; holds his Commiſſion *during their Pleaſure*, and from them receives *private Inſtructions* reſpecting Matters of Government: He gives *Security* in the Penal Sum of *Five Thouſand Pounds Sterling*, ſtrictly to *obey* and *purſue*, not only ſuch Inſtructions as are delivered with his Commiſſion, but *all ſuch other*, as ſhall be *tranſmitted* to him *during his Adminiſtration*. And ſo *ſacred* are they, that our *late Governors* have *refuſed* to make them *Public*, or *lay them before the Aſſembly*. During their Reſidence here, the Governors receive certain Perquiſites, eſtabliſhed by ſundry perpetual Laws for their Support, from the Fines, Forfeitures, Tavern-Licences, *&c.* which, *communibus Annis*, amount to *Two Thouſand Pounds*.

IT is a known Maxim in Politics, that in Framing any Plan of Government, nothing conduces more to its Proſperity and Duration, than ſo to conſtitute it, as to make the private Intereſt of the Ruler, co-operate with, and ſubſervient to the Public Good. Such political Connexion, and mutual Dependency, may render even the avaritious, or the ambitious Man, a Man of public Spirit. On the contrary, if the *private Intereſt* of a Ruler, *coincides and co-operates*

not

not with the *public Utility*, the natural Conſequence is *Diſcontent*, and *Faction* on the Part of the *Governed*, and *Oppreſſion* and *Tyranny* on the Part of the *Governor*. An Inſtance of the Former, is the *Britiſh* Conſtitution, where his Majeſty's private Intereſt and Welfare are inſeparably connected with, and dependent on the Proſperity of his People. An Example of the latter, was the embroil'd unhappy State of this Province, when the Pamphlets under Conſideration were firſt uſher'd into the World. And, indeed, ſo far is the *Intereſt* of our *Governors* from being *connected* with that of the *People*, that it is abſolutely *dependent* on the *Good-Will* and *Pleaſure* of *certain Individuals*, whoſe Intereſt, and that of the Public, have always, to the infinite Detriment of both, been held incompatible. So far are they from being obliged to *preſerve* the *Right* and *Liberties* of the Subject, as our Gracious Sovereign by his Coronation Oath binds himſelf to do, that on the contrary, they lay themſelves under a conſiderable *Penalty* to adhere to and obey *private Proprietary Inſtructions*, tho' ever ſo *derogatory* to the *King's Inſtructions*, or *inconſiſtent* with the *Liberties* of a *free People*. They *hold* their *Offices* at the *Will of the Proprietaries*; to diſobey their Directions, is a *Forfeiture* of their *Commiſſions*; and therefore ſuch Inſtructions as will not bear the

Light?

Light, ſuch as tend to impede the paſſing ſalutary Laws, and ſuch as obſtruct the public Means, which ſhould be entered into for the Defence and Security of the Province, *purſuant to the Royal Orders*, have been, till of late, very carefully concealed. Theſe Gentlemen are moſtly *Foreigners*, and conſequently *Strangers* to the *Conſtitution*, its Wants, and Neceſſities, its true Intereſts and Diſadvantages. In ſhort, 'tis *Folly* to expect, that *Governors*, whoſe *Intereſt* is *totally diſtinct* from that of the *People*, and who ſcruple not to accept of *Inſtructions* to *abridge* them of their *Liberties*, can entertain a Thought of making them Happy; ſo far from it, that *Indigence*, *Avarice*, or *Ambition* is uſually their *Motive* for accepting the Government, and their *principal Deſign* to make a *Fortune*. What might not Governors under the Influence of ſuch ungenerous Motives be prevail'd on to attempt? Could the Liberties of a People be ſafely repoſed in *ſuch* Hands? Would an *Engliſh* Parliament truſt them in ſuch? Or would it not be the height of political Madneſs in our Aſſemblies, to commit the abſolute Diſpoſition of our public Funds, to Men, on whoſe Actions they have no Check, or Controul.

That theſe *private Inſtructions* relative to Matters of Government, and the paſſing of Laws, theſe

Checks

Checks on the Proprietaries Deputy, are *inconsistent* with the *Royal Grant*, a wicked Infraction thereof, and essentially subversive of our present Constitution, will evidently appear from the least Consideration of the Grant itself, which has ever been deemed the Basis of our legislative Authority. One Clause of which I here insert, as it sufficiently proves and illustrates this Assertion. †" Know ye, that we, for us, " our Heirs, and Successors, do grant free, full, and " absolute Power, (by Virtue of these Presents) to " him (*William Penn*) and his Heirs, to his and " *their Deputies and Lieutenants*, for the good and " happy Government of the said Country, to ordain, " make, and enact, and under his and their Seals to " publish any Laws whatsoever, for the *raising of* " *Money*, for public Uses of the said Province, or " unto the private Utility of particular Persons, *ac-* " *cording to their best Discretion, by and with the Ad-* " *vice, Consent, and Approbation of the Freemen of* " *the said Country*, or the greater Part of them, *or* " *of their Delegates or Deputies*, whom for enacting " the said Laws, when and as often as need shall re- " quire, we will that the said *William Penn* shall " assemble," *&c.*

FROM

† Chap. 2, Grant 1680.

From this Clauſe of the Royal Charter, ſundry Things naturally occur worthy our Attention.

Firſt. * That by the Words thereof, the *Deputies* and *Lieutenants* of *William Penn*, and his Heirs, were to *concur* with the *People*, in framing Laws, "according *to their beſt Diſcretion.*" Any *Inſtructions* therefore, which have a tendency to *take away* or *abridge* this Power of exerciſing *their Diſcretion*, in Matters of Government, are contrary, not only to the Deſign, but the expreſs Words of the Royal Grant, and a direct Infraction thereof.

Secondly. This Charter was *not only* made to *William Penn*, and his Heirs, and his or their *Deputies*, inveſting him and them with Powers and Privileges, but from the Inſtant it was executed, the *People* of this Province became *intereſted* therein, and a *Party* thereto. The Powers of Legiſlation being granted to *William Penn* and his Heirs, to his or their *Deputies* and *Lieutenants*, "*by and with the Advice, Aſſent,* "*and Approbation of the Freemen of this Country, or* "*of their Delegates or Deputies.*" From hence it is manifeſt, that the *People* and their *Repreſentatives*, by

* Charter 2. Grant 1680.

Virtue of this *Royal Favor*, had an *original Right* of *Legiſlation*, inherent in *them*, and ſuch as the *Proprietaries* cannot *diveſt* them of, or in the leaſt *abridge*, without *trampling* on the *ſacred Contract* of his Majeſty's Royal Predeceſſor.

Thirdly. The *People* as well as the *Proprietaries*, have a Power of *appointing* and electing *Deputies or Delegates*, to repreſent them in *Legiſlature*. In which Caſe, the Law is inconteſtably ſettled, † that ſuch *Deputies* ſhall have the *whole Power* of their *Principals*; and ſo eſſentially annex'd is this to the Office, and Duty of *Deputies*, that they cannot be conſtituted to do a ſingle Act, or to execute the Office of their Conſtituents in *Part only*. Nor can their Power be *diminiſhed* by any *Covenant* or *Bond*, given to their *Principals*. For ſhould they covenant, not to do any particular Act which their Conſtituents might do, ſuch *Covenant* is *repugnant*, and *void in Law*, to all Intents and Purpoſes. Of this Opinion were *William Penn* the Younger, Son and Heir of the firſt Proprietary, and the learned Judge *Mompeſſon*, together with the reſt of the Council on the following Clauſe, in Governor *Evans's* Commiſſion, *viz.* "Saving always

† 1 Salk: 95, *Parker* ver. *Kett.*

" always to *me* and my Heirs * our *final Aſſent* to " all ſuch Bills as thou ſhalt paſs into Laws in the " ſaid Government," *&c.* In anſwer to a Meſſage from the Aſſembly, " requeſting the Council to give " their Opinion in Writing under their Hands, con- " cerning the *Saving* or Exception in the Proprietary " *William Penn's Commiſſion*, to the preſent *Lieu-* " *tenant Governor*, to wit, whether the ſaid *Saving* " is void of itſelf, and does not vacate the reſt of " the ſaid Commiſſion, and render it invalid? And " whether thoſe Bills which the preſent Lieutenant " Governor ſhall think fit to paſs into Laws, and " cauſe the Proprietary Great-ſeal to be affixed there- " unto, can afterwards be vacated or annull'd by the " ſaid Proprietary, without the Aſſent of the Aſſem- " bly of this Province?

" We of the Council, whoſe Names are hereunto " Subſcribed, are of Opinion, that the ſaid *Saving* " is *void in itſelf*, and does *not vacate* the *reſt* of " the *Commiſſion*, nor render it invalid: And that " thoſe Bills which the preſent *Lieutenant Governor* " ſhall think fit to *paſs* into *Laws*, and cauſe the ſaid " Proprietary's Great-ſeal to be affix'd thereunto, can- " not afterwards *be vacated* or annull'd by the *Pro-*

 prietary,

* Votes *February* 11th. 1724-5.

" *prietary, without the Aſſent of the Aſſembly* of " this Province.

" WILLIAM PENN, jun.
" ROGER MOMPESSON,
" EDWARD SHIPPEN,
" JOHN GUEST,
" WILLIAM CLARK,
" GRIFFITH OWEN,
" RICHARD HILL,
" JAMES LOGAN.

† THIS Point is alſo confirmed by the preſent Proprietaries Mother and Predeceſſor *Hannah Penn*, in her Letter of Inſtructions to Sir *William Keith*, dated the 20th. of *May*, 1724. Wherein ſhe candidly acknowledges, " that the *Powers* of *Legiſlature* " are *lodged ſolely* in the *Governor* and *Aſſembly*, " *without* ſo much as a *Negative* reſerved to the *Pro-* " *prietary*, if abſent."

Fourthly. UNDER this Royal Grant, the People having a Power to delegate their Authority in Legiſlation, granted to them in as *full* and *expreſs* Terms as to the Proprietary, no good Reaſon can be offer'd why they have not as much right to abridge and reſtrain the Power of their *Repreſentatives*, as the Proprietaries have that of their *Deputies*. In either of which

† Votes. *February* 6th. 1724.

which Caſes, there is ſuch an evident Abſurdity, that it is difficult to determine, whether it be more repugnant, and inconſiſtent with the Nature of Government, and the Exigencies thereof, to ſubject the Aſſembly to the directions of a *fickle*, and *confuſed Multitude*, or a Governor to the *private Inſtructions* of a Perſon *Three Thouſand* Miles diſtant from the Country, and conſequently a Stranger to its immediate Wants and Neceſſities.

Fifthly. In Purſuance of this Royal Grant, *William Penn*, by the *Charter of Privileges* above-mentioned, granted unto the *People* and their *Repreſentatives*, the *ſole Powers of Legiſlation*, in *Conjunction* with the *Governor* for the Time being. " * And " alſo, that *no Act*, Law or Ordinance whatſoever, " ſhall at any Time thereafter, *be made* or done, to " *alter*, *change* or *diminiſh* the *Form* and *Effect* of " this *Charter*, or of any Part or Clauſe therein, " *without the Conſent* of the *Governor* for the Time " being, and *Six Parts* of *Seven* of the *Aſſembly* " met. And further, that neither *he*, nor his *Heirs* " or *Aſſigns*, ſhall procure or *do* any Thing or Things, " whereby the *Liberties* in this *Charter* contained and " expreſſed,

* Charter 1700.

" expreſſed, ſhall be *infringed*, or broken. And if " *any Thing* be procured, or *done*, by any Perſon or " Perſons, *contrary* to theſe Preſents, it ſhall be held " of *no Force* and *Effect*." This being the expreſs *Covenant* of *William Penn* with the *People*, is it not a Piece of the moſt *arbitrary* and *unparalleled Injuſtice* in his *Children* and Succeſſors, to attempt, *without the People's Conſent* in a formal Act of legiſlature, to *controul* or *abridge* the *Powers* and *Privileges* ſo *granted* by their *worthy Progenitor*; and by their *private Inſtructions*, *innovate* the Conſtitution at their Pleaſure?

From what has been ſaid, it appears plain, that *Proprietary Inſtructions*, *contrary* to the *Royal* and *Proprietary Charters*, and not warranted by the Laws of *England*, are a flagrant *Violation* of the *Royal Contract* with *William Penn* and the *People*; *contrary* to the expreſs *Covenant* contained in the *Proprietary Charter*; *inconſiſtent* with the Nature of *Powers*, which the *Law* has been careful to keep *entire*, as the only Means to preſerve good Order in Governments eſtabliſhed under the *Engliſh Conſtitution*, where *no ſuch Abſurdity* and Inconveniency was ever *allowed* of, as to give the *Perſons repreſented*, a Power to *controul* their *Repreſentatives*. And I appeal to every *Briton*, and lover of

Liberty,

Liberty, whether they can form to themſelves, Ideas of a People in greater Diſtreſs, or of any Thing more Deſtructive to true Liberty, or indeed to the Exiſtence of Society itſelf, than that when a legiſlative Body ſhall have framed Bills abſolutely neceſſary for the Promotion and Advancement of Commerce; for the Defence and Preſervation of the Country, and to repel from its Borders, moſt ſavage, blood-thirſty, butchering Enemies; Bills to enable us as a Colony, to comply with his Majeſty's gracious Orders, for the Protection of *America*, it ſhould be in the Power of *two private Individuals*, either thro' Caprice, Intereſt, or Ambition, by *unconſtitutional Inſtructions*, to *interrupt* and *defeat Meaſures* judged ſo *indiſpenſably neceſſary* for the *Good* and *Security* of the *public*. And yet of late, ſuch was our diſtreſsful Situation; of which, evident Proof ſhall be given hereafter, that altho' theſe, and many more *Bills* of the like Nature, have been *offered* to our *Governors* by the Aſſembly, ſo *abridged* and *reſtrained* hath been their *Power*, by theſe *Proprietary Inſtructions*, that *not one* hath been aſſented to by them, or *enacted into a Law*. And to *ſcreen* their *Authors* from *public odium*, they have, till of late, been induſtriouſly *concealed* from the View, both of the Aſſembly and People.

It is the conſtant Practice of his Majeſty's *American* Governors, immediately upon their arrival, to Record all Royal Inſtructions, in the public Rolls Offices, that the Aſſemblies may have free Acceſs to them, and thereby be directed in the framing of Laws: And if the Repreſentatives of the People conceive them unjuſt, or inconſiſtent with the Liberties of the Subject, it hath ever been their undiſputed Right, to examine into their Legality, and Validity; to proteſt againſt them, and to refuſe Supplies, till the Grievances reſulting therefrom, have been previouſly redreſſed. But our Proprietaries Inſtructions, if their Wills muſt become a Law, are, it ſeems, of a more *ſacred Stamp*, they will give Inſtructions to their Governors, whereby the Rights and Privileges of the Subject may be *taken from them*, and yet *hide them*, with Care, from the View of the People and their Repreſentatives, leſt they ſhould remonſtrate againſt them, and ſhew how oppreſſive they are, and how *obſtructive* to his Majeſty's *Royal Orders*, for the Protection of his Subjects.

It would be well if this were the only Inſtance wherein the Proprietaries and their Deputies had aſſumed to themſelves *unconſtitutional* Powers, greater than his Majeſty ever exerciſed or claimed.

By

By another Clauſe in the ſame *Royal Charter*, they are inveſted with a Power of "doing all, and every "Thing, which unto the compleat Eſtabliſhment of "Juſtice; unto Courts and Tribunals, Forms of Ju-"dicature, and Manner of Proceedings does be-"long," *&c.* It was undoubtedly the Deſign of this Royal Favor, to inveſt the Proprietaries, with a Power of granting Commiſſions to ſuch as ſhould preſide in the Seats of Juſtice, and other Offices, in *the ſame Manner* only, that his Majeſty commiſſionates his Officers in *England*, that is, according to the Laws, and Cuſtoms of that Kingdom, and that *William Penn*, underſtood the Royal Grant, in *this Manner*, appears manifeſt from his *Covenant* with the People, in the Frame of Government, *viz.* "that he would nominate, and appoint ſuch "Perſons for *Judges*, Treaſurers, Maſters of the "Rolls, Sheriffs, *Juſtices*, &c. as were moſt fitly "qualified for thoſe Employments; to whom he "would make, and grant Commiſſions, for the ſaid "Offices reſpectively, *to hold* them for *ſo long* "*Time*, as every ſuch Perſon ſhould *well behave* him-"ſelf, in the Office, or Place, him reſpectively "granted, and *no longer*." But *this Plan*, tho' *executed* by their *worthy Predeceſſor* for many Years, has, of late, been thought too full of Liberty, by our *preſent Proprietaries*. It did not render the Peo-

ple's

ple's Properties ſufficiently *precarious*, nor ſubject them to the *abſolute Diſpoſal* of their Superiors. And therefore, in deſpite of this Royal Grant, and the Contract of their Predeceſſor, and in contempt of the Laws, Uſages and Cuſtoms, of our Mother Conſtitution, all our Officers of Juſtice, from the Governor, down to an inferior Juſtice of Peace, hold their Commiſſions during the Proprietaries Pleaſure; whereas, in *England*, moſt of theſe Offices are granted, *quam diu ſe bene geſſerint*, viz. *during good Behaviour*. * The *King* ſubmits his private *Right*, and *Intereſt*, nay, even his *Prerogative*, to be determined by Men, under *no Check*; Judges who have *Freeholds* in their Offices, and who can have no Motive againſt their Duty; and *that* becauſe he will do his Subjects *no Wrong*. But in this unhappy Colony, where Proprietary Power and Property prevail, the Proprietaries and their Deputies, have taken Care ſo to conſtitute every *Court of Juſtice*, that in Caſe *their Intereſt* ſhould *claſh* with the *People's Rights*, or they ſhould be inclinable to ſupport and countenance a *Favorite*, they may have the Determination of the Mat-

ter,

* By the Act of Settlement, all the Judges of the King's Bench, and Common Pleas, are to be granted, during good Behaviour; nor can they be removed by the Crown, without a legal Trial, but upon the Remonſtrance, or Petition of the Houſe of Commons, in which Caſe, they are removable without any other Examination, but what is made by that Houſe.

ter, as it were, in *their own Hands.* It is a Maxim in the *Engliſh Conſtitution*, that *no one ought to be Judge in his own Cauſe*, * *nemo debet eſſe Judex in propria Cauſa*; and the Mayor of *Hereford*, was laid by the Heels, for ſitting in Judgment in his own Cauſe, tho' by Charter he was the *ſole Judge* of the Court. Yet moſt of our Diſputes, betwixt *us* and our *Proprietaries*, *concerning Land*, and among ourſelves in the firſt Inſtance, are determined before the Governor, their Commiſſioner of Property, who holds this Office during their Pleaſure: How far the Eſtabliſhment of this Seat of Juſtice, can be reconciled with the Laws of *England*, and the ſixth Clauſe of the Proprietary Charter, in which it is expreſly covenanted, " that, " no Perſon or Perſons, ſhall, or may, at any Time, " thereafter, be obliged to anſwer any Complaint, " Matter, or Thing whatſoever, relating to *Property*, " *before the Governor and Council*, or in any other " Place, *but in ordinary Courſe of Juſtice*," I leave the candid and impartial to determine. For my own Part, I can ſee little difference, between a *Perſon* ſitting *Judge* in his *own Cauſe*, and one who has *Power to remove the Judge at Pleaſure*, of giving him private Inſtructions to direct his Conduct, and which he is bound, under a conſiderable Penalty,

* Salk.

ſtrictly to purſue and obey. Thus it is, that our Proprietaries, and their Deputies, do every Thing, which unto a compleat Eſtabliſhment of Juſtice belongs; or, to ſpeak without Irony, thus it is they check the Springs of Juſtice, and ſap its very Foundations. *Heu miſera Servitus ubi jus eſt vagum aut incognitum! How miſerably enſlaved, muſt that Country be, where the Laws are neither ſettled, nor known!*

But, not contented with theſe extraordinary Invaſions of the Subjects Rights, with this abſolute Power of diſpoſing of their Properties, our two laſt Governors, and their Pamphleteer, are for enlarging them. They have attempted to deprive the Aſſembly of thoſe *Privileges* known to be the undoubted Right of the Houſe of Commons, and conſequently the Right of the *Aſſembly of Pennſylvania*, who, by the forementioned Clauſe of the Proprietary Charter, are inveſted "with all the Powers and Privileges of "an Aſſembly, according to the Rights of the *Free-* "*born* Subjects of *England*." They have new model'd, altered, and amended Money-Bills, which have paſſed the Houſe of Aſſembly, for the granting Supplies, in purſuance of his Majeſty's Orders. This they have done to reduce them to their private Inſtructions, and thereby prevent a Forfeiture of their Bonds:

Bonds: They have alſo *claimed a Power* of diſpoſing and appropriating the Funds raiſed by the *Exciſe* and *Loan-Office*, tho' neither they, nor their Principals, ever *contributed* a Farthing towards them.

THUS, have the Schemes, and Conduct of our Proprietaries, been perfectly uniform. They ſeem determined to eſtabliſh a Syſtem of *Deſpotiſm* and *Slavery*, at the Expence of the *Rights*, and *Liberties*, of the People: They have been depriving them of their Privileges, one after another, and in Proportion, augmenting their *own Power*. They began, with rendering every Officer of the Courts of Juſtice, *dependent* on their *Will* and *Pleaſure*. Having obtained this Point, without much apparent Diſcontent on the Part of the People, they next introduced their *oppreſſive private Inſtructions*, and not diſmayed, at the *glorious Oppoſition* they met with from our Aſſemblies in this reſpect, embraced a moſt melancholy Time of Danger and Diſtreſs, as the only favourable Conjuncture, of extorting from the People their Liberties, and accompliſhing their Schemes: Nay, they have ventured to add their other Claim, of amending Money-Bills, whereby they would *abridge* the People of their *undoubted Right*, to *grant Supplies their own Way*.

HAVING thus given a true State, of the Powers and Pretenſions, whether Fundamental, and Legally obtained, or unjuſtly and arbitrarily aſſumed, of our Proprietaries, and their Deputies; and alſo of the Powers, and Privileges of the Aſſembly of this Province; and evidently proved, that the latter, have no other Rights, than what were *purchaſed*, by their Predeceſſors, at the Riſque of their Lives and Fortunes, or granted them by reaſonable Laws, confirmed by *Approbation of their gracious Sovereign*: And on the other Hand, that the Proprietaries have, in the moſt *oppreſſive* Manner, uſurped the Powers given by the Royal Grant, and the Proprietary Charter, to the People of this Province; Powers, which it would be neither prudent, nor ſafe, in a mixed Form of Government, to truſt in the Hands of any * *private Subject*.

I NEXT proceed, to conſider the groſs, and wilful Miſrepreſentations, contained in the BRIEF STATE and SEQUEL.

* Very great *Riches*, ſays a late Writer, in *private Men*, are always Dangerous to States, becauſe they create greater Dependence, than can be conſiſtent with the *ſecurity* of any Sort of Government whatſoever: They Place *Subjects* upon too near a Level with their *Sovereigns*, deſtroy among the Commons, that Ballance of Property and Power, which is neceſſary to a Democracy, or *Democratical Part* of any Government: Overthrow the *Poiſe* of it, and indeed alter its Nature, tho' not its Name."

Sequel. I ſhall not miſpend my Time, in anſwering the low Scurrilities, and unmannerly Reflections, this Author ſo liberally beſtows on the Aſſembly, *Germans* and *Quakers*. My Deſign is to aſſert the Rights of this Conſtitution, and vindicate the Aſſemblies of this Province, who have made ſo noble a *Struggle* for our *Privileges*; I ſhall therefore, confine myſelf to thoſe Facts, which may poſſibly weigh with thoſe, who rather through Inadvertence, than Partiality, may take them for granted.

The principal Charges, this Author forms againſt the Aſſembly, are, "that they claim a Kind of In-" dependency upon their Mother Country, deſpiſing " the Orders of the Crown, and refuſing to contri-" bute their Quota, either to the general Defence of " *America*, or that of their own particular Pro-" vince." 'Tis a School-boy's Trick, when he has commited a Fault, to complain firſt, and charge it on his Companion. Thus, our Proprietaries being well aſſured, that if they perſiſted in *their Syſtem of Politics*, the Oppoſition, a *free People* muſt neceſſarily give them, would vaſtly obſtruct the public Meaſures, and that this would naturally induce an *Inquiry* into the Cauſe; and well knowing, they ſhould make but a *mean Figure* in the Diſpute, unleſs

leſs they could, by ſome Means, raiſe a popular Clamour, and create a Prejudice againſt the Aſſembly, in the Minds of our Superiors, they, by their Pamphleteer, wrongfully accuſe the Aſſembly, of thoſe very Crimes, which to themſelves, of all Mankind, are moſt *juſtly imputable*. For they not only claim a Kind of † Independency on our Mother Country, but have already, by their *Infringements* of the *Royal Grant*, eſtabliſhed a kind of abſolute Government among us, and *changed this mixed Form*, into meer Monarchy. So far have they deſpiſed the *Orders* of the *Crown*, that they have not only *refuſed* to contribute their

† In the Year 1757, when his Majeſty was reſolved to make one vigorous Effort, towards extirpating the *French* from *North America*, and relieving his Subjects from their mercileſs Barbarities, Orders were ſent to all the Colonies, to exert their utmoſt Abilities in aid of the glorious Deſign. The Aſſembly, being determined, that nothing ſhould prevent their Zeal for his Majeſty's Honour, and good of the People entruſted to their Care, appointed a Committee, to report on the Proprietary Inſtructions, how much could be raiſed, were their directions purſued. From whoſe Eſtimate it appears, that the Aſſembly, were they to adhere to them, could give but one Quarter Part of what was indiſputably neceſſary for the Purpoſe, and therefore, their Hands being tyed up, by theſe *cruel* Inſtructions, it was impoſſible they ſhould comply with his Majeſty's Royal Orders. This is not only claiming an Independency, but a Power, ſuperior to Royalty itſelf, as the Inſtructions of the Proprietaries, tho' Inconſiſtent with the Royal Orders, were tenaciouſly inſiſted on by the Governor and Proprietary's Council, in two ſeveral Inſtances, and would not have been wav'd, let the Conſequences have proved ever ſo fatal, had not his Majeſty's Commander in Chief interpoſed.

their *Quota* to the *general Defence* of *America*, and that of their own *particular Province*, by rejecting an *equal*, and *juſt Tax*, on their *exorbitant Eſtates*, but have prevented their Governors from paſſing Laws, which would have effectually defended this Province, and aſſiſted in the general Defence of *America*, even without their Contribution. All which I hope to evince, before I have done, by *inconteſtable Vouchers*.

The firſt Inſtance, adduced by our Author, to prove the foregoing heinous Charges on the Aſſembly, is, "the Oppoſition they gave to Governor "*Thomas*, in raiſing Soldiers, to ſend againſt the "*Spaniards*, in the *Weſt-Indies*, and their abſolute "refuſal, to contribute a Farthing, for that Service." 'Tis true, the Aſſembly did not grant any Supplies for that particular Expedition. And their Reaſons, which this Author ſhould have had the Candor to have given to the Public, as they were to be found, in the ſame Place, whence he extracted his other Knowledge, were as follow. They had actually voted *Four Thouſand Pounds*, to his Majeſty's Uſe, intended for the Encouragement of Soldiers, to enliſt for *that Enterprize*; and had prepared a Bill, to Levy the ſame on the Inhabitants. But ſuch extraordinary, and uncommon Invaſions, were then made and abetted, by

the Governor, upon the Property of the Subjects, in enlisting of Servants, altho' there were Freemen enough ready and willing, to enter into the Service, and such heavy Expences had accrued, by the Assembly's long Sitting, to redress *that* among other Grievances, that they determined not to send up the Bill; but very justly appropriated that Money, to the Payment of the Masters, whose Properties had been so *illegally* and *violently* taken from them. Whoever well considers the Nature of our Indented Servants, that they are our *Property*, purchased under the Sanction of *Acts of Parliament*, and a *positive Law* of this Colony; that they are considered by our Courts of Justice, as personal Chattels, and go to the Executors of Persons deceased, for Payment of Debts, in common with their other Effects; that upon *them*, the Cultivation of our Lands, our Trade, and Commerce principally depend, cannot but approve, and justify the Conduct of the Assembly, in withholding the Supplies demanded, until those *Violations* of the Subjects *Property*, equally unjust and unnecessary, were removed and *redressed*; and, (Relief being in that Respect obstinately refused by the Governor,) in diverting the Supplies, raised for the Service of the War, towards the *Relief* of *injured* and *oppressed Individuals*. Such a Conduct as this, however

however diſagreeable to the arbitrary and ſlaviſh Principles of this Pamphleteer, muſt certainly meet with the Approbation of every *free Briton*, who has any Knowledge of the Rights of a Houſe of Commons, whoſe chief Power and moſt *eſſential* Privilege, conſiſts in having a Right to *withold Supplies*, till the Grievances of the People are *redreſſed*.

But from this Author's diſingenuous Method of repreſenting this Fact, a Stranger might conclude, that the Aſſembly had perverſely oppoſed "the en-"liſting of Soldiers *at all*, Freemen not excepted, "and thereby diſregarded the Orders of the Crown." Had he intended to have given the World a juſt Idea of this Oppoſition, he would have declared candidly, that it was confined to the *enliſting of Servants only*, and that every Encouragement, which could be expected from a loyal and faithful People, was given by our Aſſembly, for the enliſting of *Freemen*. And the Reaſons of this Oppoſition, together with the whole Tranſaction, appear on the Minutes of the Houſe, as I have repreſented them. For ſo far were the Aſſembly, on this Occaſion, from *diſregarding* the Orders of the Crown, that, having informed the Governor, of the neceſſity they lay under to appropriate the Money intended for the Uſes of the Crown,

towards satisfying the Damages which the Masters had sustained by so oppressive an Invasion of their Properties, they expressly declare † "that they ever have "been, and are *ready and willing*, to demonstrate "their Loyalty and Fidelity, by giving such a Sum "of Money to the Crown, as may be a full Pro-"portion to what was given by the neighbouring "Colonies; provided the Servants so unjustly taken "and detained from their Masters, be returned." This Transaction therefore, so confidently perverted and misrepresented by our Pamphleteer, and adduced as one of his "glaring Instances," being thus truly unfolded, instead of supporting his Charge, fully proves that his Assertions deserve no Credit, and that Supplies were actually prepared, and ready to be offered, had not the oppressive Measures of the *Proprietary Deputy* prevented.

But, to give a further Instance of this Gentleman's total Want of Candor, and iniquitous Design to impose upon the World, by a lame and partial Account of Things; I shall here insert a Vote of the House at large, made about this Time. † "The House taking "into Consideration the many Taxes their Fellow Subjects

† Votes *August* 8th. 1740.
† Votes. *October* 21st. 1745.

" Subjects of *Great-Britain* are obliged to pay, to-
" wards ſupporting the Dignity of the Crown, and
" defraying the neceſſary and contingent Charges
" of Government, and willing to demonſtrate the
" Fidelity, Loyalty, and Affection of the Inhabi-
" tants of this Province, to our Gracious Sovereign,
" by bearing a Share of the Burthen of our Fellow
" Subjects, proportionable to our Circumſtances."
Do therefore chearfully and unanimouſly reſolve, That
" *Three Thouſand Pounds* be paid for the Uſe of
" the King, his Heirs and Succeſſors, to be applied
" to ſuch Uſes, as he, in his Royal Wiſdom, ſhall
" think fit to direct and appoint." This Sum, was afterwards paid by the Committee of Correſpondence to the Agent of the Aſſembly, and by him into his Majeſty's Exchequer. This Loyal, affectionate, and *voluntary* Supply, is carefully omitted by the *honeſt* Pamphleteer, as it ſuited not his Deſign of exalting every Vice and oppreſſive Tranſaction of our Gover-nors into political Virtues, and vilifying the Aſſem-bly's Conduct, ſo as to pervert every Meaſure taken by them for the public Welfare and Security, into a Contempt of his Majeſty's Orders, and into Crimes little ſhort of High Treaſon. To miſrepreſent pri-vate Facts, and Tranſactions between one Subject and

another,

another, denotes a Heart far gone in Corruption and Depravity: But to repreſent the public Operations of Government in falſe and deluſive Colours, with Intent to alienate the King's Affections from his People, denotes a malignity of Heart which no Pen can deſcribe. That this is our Author's Caſe, a very little Explanation not only of this, but of every other Fact he has mentioned in both his Pamphlets, will ſufficiently demonſtrate.

Being diffident, and with good Reaſon, that this "glaring Inſtance" of his, would be inſufficient to prove his Charge againſt the Aſſembly, he gives them a Diſcharge of all his Artillery at once, and affirms, "that during the whole Courſe of the laſt War, "they have often been called on by the Crown, and "by Governor *Shirley*, to Furniſh Supplies for the "Expedition againſt *Canada*." He does not, indeed, poſitively deny that any Supplies were granted on theſe Occaſions; (which, for want of better, ſhall paſs as a Mark of his Modeſty) yet, fully determined to ſay nothing that was good of the Aſſembly, he artfully repreſents their Compliance in ſuch a Light, as to depreciate it even below a Refuſal; for, ſays he, *"if they have *at all* contributed, it has been done

*Brief State, page 11.

" done ſo indirectly, and in a Manner ſo ſhameful " to this rich Province, ſo *grudgingly*, and in *ſuch* " *ſmall Sums*, as rather to *hurt* than *ſerve* the Com- " mon Cauſe." This Charge alſo will vaniſh upon a little Explanation. In the Year 1746 Governor *Thomas* called on the Aſſembly for Proviſions for the Soldiers intended for the Reduction of *Canada*. They, with great Chearfulneſs and Loyalty, declare themſelves ready to give a Sum of Money for the King's Uſe; but, upon inſpecting the public Funds, they found there was not ſuch a Sum as they thought neceſſary for that Purpoſe, and as they would willingly grant; and therefore propoſed ſtriking a further Sum in Bills of Credit, (which they conceived neceſſary for the Support of a medium of Trade) to be emitted on Loan at the uſual Intereſt. To a Bill prepared and ſent up for this Purpoſe, the Governor was pleaſed to *refuſe his Aſſent*. The Aſſembly perceiving themſelves debar'd from granting Supplies in their *own Way*, and being unwilling to enter into Controverſy with the Governor, immediately *voted* the Sum of *Five Thouſand Pounds*, payable out of the Bills of Credit, then in the Loan Office, for exchanging torn and ragged Money; and ſent up a Bill for ſtriking and emitting other Bills to the ſame Value, to be ſunk by an Exciſe on Strong Liquors.

This

This Bill was enacted into a Law, and the *Five Thouſand Pounds* laid out by the Governor himſelf in the Purchaſe of Proviſions. A Sum *as large* as could reaſonably be expected from the Province, or was *actually required* of the Aſſembly; and much larger than ſeveral other Colonies thought proper to give. This being the true State of one of theſe Tranſactions hinted at by our Author in general Terms only, how far has he deviated from the Truth in this attempt, to depreciate the Manner in which this Money was granted, by aſſerting that it rather *hurt* than *ſerv'd* the common Cauſe!

He proceeds in his Charges, and affirms, "that "the Aſſembly have not been more attentive to the "Defence of their own particular Province, than to "that of his Majeſty's *American* Dominions in ge-"neral." True, indeed, it is, that they have never raiſed a Sum of Money for the *immediate Defence* of this City. And herein they are not juſtly cenſurable. *Firſt*, becauſe they never were requeſted by the *Executive* Part of Government, whoſe Duty it was to have pointed out its Defenceleſs State, to grant Supplies for that Purpoſe. *Secondly*, The Navigation of our Bay and River, which is at leaſt 150 Miles in length, is by Shoals, and Sand-Banks, rendered ſo in-

tricate and difficult, that we have little or no Reaſon to dread an attack from any formidable Enemy by Water. This is a Fact ſo well known, that all Maſters of Veſſels, tho' ever ſo well skill'd in Navigation, never fail to procure a Pilot at the Capes, to conduct them up the Bay and River, not chuſing to rely upon their own Dexterity. Theſe Circumſtances, together with the Narrowneſs and Shallowneſs of the Channel in ſome Places, where to ſink a Flat or two, would effectually ſtop up the Paſſage, forming a natural, and perhaps the beſt Fortification, have rendered *both Governor* and *Aſſembly* in ſome Meaſure, careleſs in the Defence of the City. But why the whole Odium of this Neglect, (if it be any) ſhould be thrown upon the *Aſſembly*, this Writer, tho' incumbent upon him, will never be able to make out. 'Tis true, a Fortification hath been built below the City, but not, as he, *with his uſual Veracity* aſſerts, at the *ſole* Expence of *private Perſons*. The Money was raiſed by a Public Lottery, to which People of every Denomination in the Province, *Quakers* not excepted, contributed. True it is alſo, that our Proprietaries made a Preſent of twelve Cannon, but egregiouſly falſe that they made it *generouſly*: For when the Aſſociation Plan was formed for Defence of this Province, the erecting of that Fortification was Part of

the Plan, and communicated to them, and their Mite requeſted towards the Completion of it. They at firſt, refuſed to contribute a Farthing, and, the better to excuſe themſelves, charged the People with doing an Act little ſhort even of Rebellion, and High-Treaſon itſelf. However, upon further Conſideration, and better Advice in the Matter; when the War was over, and the Province had nothing to fear from any Enemy, and when Cannon might be purchaſed for a Song, *then* indeed, they were pleaſed to ſend over twelve large Cannon, which came, as our Aſſembly-Committee term'd it, "like "*Venetian* Succours," when we had *no Uſe* for them. The Proprietaries alſo for a Year or two, ordered their Receiver-General to pay the Gunner of the Fort, a Salary of *Twenty Pounds per Annum*, for his Support, which, as ſoon as the late *Indian* War broke out, and a Proſpect of another with *France* preſented itſelf, they *very generouſly* withdrew. And thus, does the *Generoſity* of our *Proprietaries*, and the *Veracity* of *their Pamphleteer*, die away and periſh together.

Our Author having flattered himſelf, that the World would take his Aſſertions for granted, and that by a Perverſion of Facts, he had fully proved our Aſſemblies always averſe to the granting of Supplies for

for the Defence of their Country, or other Warlike Purpoſes, now ſtarts two † Queſtions, that deſerve our Animadverſion. The *Firſt*, why our Aſſemblies are againſt defending a Country, in which their own Fortunes and Eſtates lie, if it is really in danger?

A MATERIAL Queſtion indeed! And, were the Premiſes, or Suppoſition it is built on, true, would well deſerve our ſerious Conſideration. But he ſhould have proved them to be ſo, by plain demonſtrable Arguments, drawn from a juſt narration of Facts; which, I preſume, he hath by no Means done: For certainly, no unprejudiced Perſon, will conclude our Aſſemblies to be againſt the Defence of their Lives and Fortunes, from his bare Inſinuation, † "that "they are indifferent whether the *French* make themſelves Maſters of this Province, or not;" becauſe *this* alſo is *equally deſtitute* of Proof. And their long experienced Loyalty and Fidelity to his Majeſty's Royal Perſon; their Abhorrence alike of *French* Idolatry, and *French* ſlavery, ſhould, methinks, in Reaſon, have exempted them from ſo invidious, ſo uncharitable a Calumny. 'Tis, indeed, a melancholy Truth, that if any Thing had Power to render them indif-

 ferent

† Brief State, p. 14.
† ibid. p. 13.

ferent in this Reſpect, it would be thoſe *arbitrary Uſurpations* of their Rights, and Privileges, which their *Proprietaries* are even now induſtriouſly carrying on, and in which, if they ſucceed, the Defence of their Lives and Fortunes, againſt a foreign Enemy, would become the leaſt of their Concern; for *without Liberty*, NEITHER *would be worth Poſſeſſing*. And thus, inſtead of giving us a Reaſon, does he put us off with an Aſſertion. His *Second* Argument is of equal Inefficacy with the *Firſt*. He aſſerts, "That "they, *viz.* the Aſſembly, apprehend, as ſoon as they "agree to give ſufficient Sums for the regular De- "fence of the Country, it would ſtrike at the Root "of all their Power, as *Quakers*, by making a Mi- "litia Law neceſſary in Time of Danger." But ſurely, neither they, nor any Man, beſides our *ſagacious* Pamphleteer, can conceive, how the granting Sums of Money, for the regular Defence of a Country, can "make a Militia Law needful in Time "of Danger," as the neceſſity of ſuch a Law, muſt be greatly exaggerated by the Want of Money. His *Third* Argument is of the ſame Character with the preceding ones; for he affirms, "that they mind "no Conſequences, provided they can ſecure their "own Power, and Seats in Aſſembly." The lenity with which they have always exerciſed their Power,

is

is a Proof that they are not ambitious of it; were it otherwiſe, many of the Proprietary Public Officers had been called to Account, who are now ſupported as ſerviceable Tools to themſelves, and their Creatures, in ſuch a Manner, that altho' repeated Complaints have been made againſt them to our late Governors, by the Perſons immediately injured and oppreſſed, yet ſo little Notice hath been taken of them, that the Parties injured have been either put off from Time to Time, and ſo wearied out with Attendance and Expences, or poſitively refuſed a Hearing. Nor can any good Reaſon be offered why they ſhould be fond of ſecuring their Seats in Aſſembly, unleſs it be a Deſire of ſerving the Public, from Principles the moſt generous and diſintereſted, and of preſerving thoſe Liberties which have been ſo unjuſtly invaded. It muſt be allowed, that Intereſt cannot be their Motive, when it is known, that their Wages are no more than *Six Shillings* a Day, in a City, where to live but meanly, and maintain a Horſe, will coſt *Seven* at leaſt. Add to this, their loſs of Time, moſt of them being Country-Gentlemen and Farmers, and the ill Effects of their Abſence from their Families and Farms, where the Maſters Eye is of the utmoſt Importance. Let the Impartial determine then, whether it be more rational to conclude,

that

that the *Aſſembly*, *ſo often* elected and approved by their *Conſtituents*; *connected* with their Country by *every ſacred Tie*, and every intereſting Motive; *exempt* from the Inſtructions of their Electors, and *free* of all Ambition but the *laudable Ambition* of *ſerving their Country*, are againſt its Defence, or a *Governor*, void of ſuch Connexions; a *Stranger* to the Country, and *Subject* to *Proprietary Inſtructions*, calculated for the *Advancement* of *private Intereſts* and Ambition, not of the Public good.

But ſo far is our Author from proving this favorite Poſition of his, that in his *Second* Queſtion, he, in Effect, acknowledges, that they are not againſt the Defence of the Province, by allowing "that they "have offered ſeveral Sums for the King's Uſe;" and indeed, the *Second* is a flat Contradiction to the *Firſt*: For how a People can, without Abſurdity, be charged with an Averſion to the Defence of their Country, when they have been from Time to Time, offering Supplies and Aids for its Protection, in every Way human Wiſdom could invent, ſave thoſe which tended to deliver up their ſacred Rights and Privileges into the very Hands of their Oppreſſors, I leave this Author's Logic to explain. This leads me to conſider his Second Queſtion. But before I proceed

ceed to a Refutation of it, I ſhall examine the Reaſons he aſſigns for the Aſſembly's Averſion to a Militia Law.

* He inſinuates, that they apprehend a general Militia Law "would ſtrike at the Root of all their "Power as *Quakers*:" And he might with equal Juſtice have added, as *Subjects*. 'Tis true, the *Quakers*, and *every other independent Perſon* in the Government, are under the *ſame Apprehenſions*. Under theſe Fears of the People, he has inadvertently detected the Schemes of his Patrons and Party. His chief Talent lies in veiling the Truth, and yet all his Chicanery hath not been ſufficient to varniſh over the flagitious Attempts made againſt the Peoples Liberties. He adds, "ſuch a Law they * preſume "would alter the Face of Affairs, by creating a vaſt "Number of new Relations, Dependancies, and "Subordinations in Government. 'The Militia, they "ſuppoſe, would all vote for Members of Aſſembly, "and being *dependent* on their *Officers*, would pro-* bably be *influenced* by them," and the *Officers* being *commiſſioned* by the *Governor*, and holding their Commiſſions *at his Will*, would be influenced by him

* Brief State, p. 15, 16.

* ibid.

him. All this is undoubtedly true: A general Militia Law formed on the Plan of this Author, would naturally produce this long Train of ruinous Effects; an infinite Number of new Relations, Dependences, *&c.* would be created, all under the Controul, and subject to the Dominion of our Proprietaries, and their Governors; on them would the Officers of the Militia be alone dependent, being commissioned by them, and liable to be turn'd out at their Pleasure; the common Men would be influenced by their Officers, and directed by them in their Choice of Representatives; so that, not only the *Quakers*, but every Man who had the Virtue and Spirit to oppose such arbitrary and unjust Proceedings, would be utterly excluded from that important Trust. The *Ballance* so wisely established between the Powers of the People, and Governor, would be dissolved; and our *excellent Frame* of Government fundamentally overthrown. Add these Dependencies, *&c.* to the Powers already engrossed by our Proprietaries, by the iniquitous and arbitrary Violations of the Royal Grant, and their Fathers Charter, and their *Scheme* of Power is effectually compleated. These are the *Checks* upon the Power of the People, so warmly contended for, by the oppressive and detested Doctrine of this Pamphleteer. No one would be admitted to serve

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his Country in its Aſſemblies, till he had renounced every generous Principle of Liberty, and was become the low Tool, or rather Vaſſal of our Proprietaries; who, being already poſſeſſed of the appointment of one Branch of the Legiſlature, *viz.* the Governor, and having, by Means of the abovementioned Dependencies, acquired Influence ſufficient to elect our Aſſemblies, will become *abſolute Maſters and Controulers of both.* Their Inſtructions, tho' never ſo oppreſſive, or inconſiſtent with the Royal Inſtructions, will be ſwallowed without a Murmur: Supply Bills will either need no alteration, as they will be model'd according to their Deſire, in the firſt Inſtance, or if they do, the Amendments will never be diſputed; the Diſpoſition of the Peoples Funds, their Rights and Properties will lie at their Mercy; their exorbitant Eſtates be for ever preſerved ſacred from Taxation; and in ſhort, this once renowned Government of *Pennſylvania*, the Seat of Virtue, Liberty and Commerce, would be transformed into a Monarchy more tyrannical and deſpotic, than that of an *Eaſtern Sultan*; and nothing left for the unhappy People, but either to ſubmit to the grievous Yoke, or depopulate the Country by flying from Slavery.

But to proceed: The Aſſembly were for ſome Time before the *Indian* War commenced, or our Borders

were invaded, almoſt unanimouſly of Opinion, that the Province would be *beſt* defended, and with *leaſt* Expence, by a *Standing Force*, after the Example of our Mother Country, and therefore repeatedly offered conſiderable Supplies to raiſe Men for that Purpoſe. Yet as they found, all theſe Sums had been refuſed by the Proprietary Governor, and that the Savage Invaſions of the *French* and *Indians*, added to theſe Refuſals, rendered it neceſſary that the Province ſhould be defended by a Militia Law, they concluded to paſs one; and accordingly ſent it up to the Governor for his Approbation, not in the leaſt doubting, but that he, who had ever been ſo fond of *amending* the Money Bills, would point out its *Defects* to them, if any, and return it with the *proper alterations*. But nothing was more diſtant from the Governor's Intention. He immediately paſſed the Bill upon a very ſlight conſideration of it, and without the leaſt Amendment either *made* or *offered*.

The Tendency and Drift of this *refined* Piece of Policy in the Governor and Proprietary Party, ſoon became manifeſt. The paſſing a Militia Law by the Aſſembly, at firſt put them into the utmoſt Conſternation. They expected, that the Aſſembly would not frame ſuch a Law, and thereupon they doubted not

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to have rendered them odious in the Eyes of the People, and by that Means, procure a Set of their *own Creatures* to be choſen at the enſuing Election; they concluded alſo, it would be an excellent Subject to *declaim* upon in their *Bow Viem*, and thereby to incenſe the *People of* England againſt them. The Law, however, paſſed the Houſe. Under ſuch a Dilemma what could the Governor do? He foreſaw, that ſhould he entirely refuſe to paſs the Bill, without pointing out its *Defects*, he would juſtly incur, not only the Cenſure of the People, but perhaps of his Majeſty and Miniſtry, for ſuch an unprecedented Conduct; and ſhould he offer the neceſſary Amendments, he was very apprehenſive that the Aſſembly would agree to every reaſonable Alteration, which would put an effectual ſtop to the loud, clamorous and inſolent Petitions of his Party. He therefore reſolved, without making the leaſt Amendment in the Bill, or even requeſting a Conference with the Houſe thereon, to paſs it as it was ſent up, and afterwards to exert his whole Influence to condemn it as impracticable and unjuſt. All this will appear manifeſt from a ſhort Hiſtory of their Conduct relative to this Bill.

BEFORE the Bill paſſed the Houſe, it was propoſed by ſeveral Gentlemen, to defend the Country by Aſ-

ſociating in the ſame Manner they had done during the late War ; but, the Politics of that Party being changed, they poſitively refuſed to enter into ſuch an Aſſociation, tho' they were the principal Promoters of the former; and now, nothing would ſatisfy them but a *Militia Law* : And when a Militia Law was granted, they immediately tack'd about, and propoſed the old Plan of Aſſociation, ſo lately rejected by them. At this Time, the Country lay bleeding by the murdering Hands of relentleſs Savages. It was therefore but reaſonable to expect, that every Lover of his Country would unite in the Execution of a Law, which had even the leaſt Tendency towards the Defence of the Province. Yet unmoved at this ſhocking, defenceleſs State of the People, they made uſe of every Artifice to decry and damn this Law as imperfect and impracticable. And, what muſt needs ſurprize the Reader, the very Governor who had paſſed it *without even propoſing an Amendment*, appeared at the Head of the Oppoſition, inſtead of promoting the Execution of it, as his Duty obliged him to do : Circular Letters were diſpatched to all the diſtant Counties, ſtrictly enjoining and commanding all the Proprietary Friends and dependents, to exert their utmoſt Efforts and Influence, to prevent any Perſons from enliſting under

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the Law, and to encourage the old Plan of Aſſociation in its Room. This Plan was publiſhed in our weekly Papers with the Governors Approbation thereof; Gentlemen of the beſt Fortune of that Party, thought it not mean or diſhonourable to enter the Houſes of the loweſt Mechanics to ſolicit their Oppoſition, and to join in the Aſſociation; and when neither Perſuaſion, nor Art could prevail on them to diſcourage a Law made by their Repreſentatives for their Defence, they deſcended even to the ungenerous Artifice of threatning the unhappy People who were indebted to them, with Public Proſecutions, and Impriſonment, in Caſe they refuſed. They accepted of and armed known Papiſts, and many others notoriouſly diſaffected to the preſent Happy Eſtabliſhment: However, notwithſtanding this violent Oppoſition, a Regiment of Foot was formed in the City, and another of 700 Men in the Northern Liberties, and many Companies throughout the Province, the Inhabitants hoping thereby to procure an Amendment of ſuch Defects, as they ſhould find upon Experience, it required. While this *Law-oppoſing Party* with all their Intrigues, and all their Influence, were not able to raiſe, including *Papiſts* and other *diſaffected Perſons*, more than *Two hundred Aſſociators* in the City, and not ſo much as that Proportion in any County in the Province.

Before I leave this Subject, I would beg leave to offer to the Reader's Conſideration, a Remark or two on the abſurd Reaſons urged by this Writer in his *B. View*, to excuſe the Governor, for not propoſing to the Aſſembly, any Amendments to this Bill, the Execution whereof he ſo violently oppoſed. His firſt Reaſon is, "if the Governor refuſed to paſs it "as it was, and offered any Amendments to it, they, "(*viz.* the Aſſembly,) were determined not to ad-"mit one of them, but to quarrel with him on "the Bill." The only Proof alledged in Support of this Charge, is his own confident Aſſertion, which, tis preſumed, can never paſs upon the intelligent Reader, for Argument or Conviction. May it not with Reaſon be asked, how either the Governor, or this prophetic Pamphleteer, could poſſibly foreknow, "that the Aſſembly were determined not to admit "of Amendments without having one propoſed to "them ?" But allow the Governor had Reaſon to ſuſpect the Aſſembly ſo rigidly tenacious of their Militia Bill; will that juſtify him, on meer Conjecture only, for aſſenting to it without the leaſt Objection, which "ſtripped, *as he aſſerts*, the Crown "of ſome of its eſſential Prerogatives?" Was this Conduct conſiſtent with his Duty to the Crown? Where lay the abſolute neceſſity of paſſing it even

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without offering a *ſingle* Amendment? For it is well known to be the Practice of the Legiſlature, that, when the Governor ſends down a Bill with Amendments, the Aſſembly either adhere to the Bill, or conſent to the Amendments; and in either Caſe, the Bill is returned to the Governor, who has the ſame Liberty either of aſſenting to the Bill as at firſt preſented, or adhering to his Alterations. "But the Governor, "according to this Writers Confeſſion, ſaw their "Drift;" 'which was, "to ſtrip the Crown of "ſome of its eſſential Prerogatives," and *therefore*, he immediately paſſed it; becauſe, "he knew that "the People, during the Time it was to continue in "Force, would be convinced of its Abſurdity, much "better by *feeling* its Defects, than by any Attempts "of his to point them out." Admirable Apology for a Governor whoſe Duty it was, above all Things, to preſerve unviolable his Majeſty's ſacred Prerogatives? Refined Policy indeed, to paſs a Law, tho' ever ſo partial, unjuſt, defective and impracticable; tho' ever ſo deſtructive to the *eſſential Prerogatives* of the Crown, rather than reject it, or even propoſe an Amendment; and for this remarkable Reaſon, *viz.* "That the People might be convinced of its Abſurdity by *feeling* its Defects!"

But the Reader will think this Conduct of the Governor † yet more inexcuſable, when he is informed, that, from the Votes of the Houſe, it undeniably appears, they actually did call upon the Governor, to point out the Defects of this Bill, and promiſed to take them into Conſideration. Yet ſo unaffected was he at this ſurrender "of ſome of the "Crowns eſſential Prerogatives," that he diſregarded every Requeſt of that Nature, and with all his Influence pertinaciouſly oppoſed the Execution of the Law.

Had he acted in Purſuance of his Duty; had he entertained the leaſt Inclination to ſecure the Province by a Militia Law, he ſhould, inſtead of thoſe importunate Clamours for a Law, either have framed one himſelf, and laid it before the Aſſembly; or when they had framed one, which he conceived to be defective, he ſhould have amended it, and, if neceſſary, requeſted a Conference thereon; and for this wilful neglect of Duty, no plauſible Reaſon can be aſſigned on the Governor's behalf, for the Votes of the Houſe are a ſufficient Proof, that, upon a Conference had on the *Mutiny and Deſertion Bill*, the

† The Meſſage, *May* 14th, 1756.

the Aſſembly acceded to his Amendments, and paſſed the Bill in the Manner he deſired.

HAVING thus, I hope, cleared the Aſſembly from all juſt Imputation of blame, for not eſtabliſhing a regular Militia; and ſhewn that they actually did frame ſuch a Law as they judged neceſſary, and that it paſſed the Governors Peruſal, who is Capt. General of the Province, whoſe Office obliged him, and whoſe Skill ſhould enable him to diſcover, point out, and amend any Defect therein, without Objection; I now proceed to the ſecond, and, indeed, only important Queſtion of this Writer, *viz*: "Why have not the ſeveral Sums been accepted, "which the Aſſembly have offered for the King's "Uſe?"

THIS I call the only important Queſtion, becauſe upon a full and fair Diſcuſſion thereof, the whole Merits of the Diſpute betwixt the reſpective Branches of our Legiſlature depend. For if the Aſſembly have, whenever requeſted, granted Supplies and Aids to his Majeſty, in a reaſonable and *conſtitutional* Manner, it will follow, that the Governor cannot be excuſed for rejecting them; and that all the Ravages, Barbarities, and Murders which the wretched Inha-

bitants of this Province have both ſeen and ſuffered, are, as the neceſſary Effects of ſuch a Conduct, juſtly imputable to him, and to thoſe who were, either from a Principle of Avarice or Tyranny, induced to tie up his Hands with illegal and oppreſſive Inſtructions.

To transfer the Guilt and Odium of theſe Effects upon our Aſſemblies, and vindicate the Governors *Hamilton* and *Morris*, for not paſſing ſundry Laws offered to them for the Defence and Security of the Province, the Writer of theſe Pamphlets, quotes a Royal Inſtruction ſent to Governor *Thomas*, about the Year 1740. This Royal Inſtruction hath been their conſtant Pretence for rejecting the Supply Bills, tho' the Proprietary Inſtructions; were the real Cauſe; of which the Aſſembly had been long convinced, but being debarred a Sight of them, were unable to prove it effectually to the World; till at laſt it became notorious, when Governor *Morris* in hopes of obliging the Aſſembly, and obtaining thereby a gratuity from them, upon his leaving the Government, thought fit to lay one of them before the Houſe, and declare that he could not paſs the Exciſe-Bill, as it was inconſiſtent with the Proprietary Inſtructions, which he had given Bond to obey. As the Deſign of this Royal Inſtruction; hath been greatly miſinterpreted

preted by the Author of these Pamphlets, and by our Governors also, it seems necessary to consider how far 'twas binding on the latter, and how properly it hath been introduced by them, as an Impediment to the Laws offered for Defence of the Province.

Complaint being made to the House of Commons, by Petition from the Merchants of *London*, trading to the Eastern Colonies, that many Inconveniencies had arisen there, causing Discouragement to the Trade of *Great-Britain*, Confusion in their Dealings, and a Diminution of their Credit, by passing Laws, for striking Bills of Credit, and issuing them in lieu of Money, making it obligatory on all Persons to receive such Money in Payment of Debts; and that such Quantities had been made as totally depreciated the Value thereof, proper Funds not being created to Support them; on the 25th of *April* 1740, the Commons not having the Information requisite to enquire into the State of the several Currencies of *America*, and being apprehensive that the like Abuses might have crept into the other Colonies as well as the Eastern, addressed his Majesty, to send over his Instructions to all the Governors of the *British* Colonies, forbidding them to enact any Laws of the

aforeſaid Nature, without inſerting therein a Clauſe, that ſuch Acts ſhould not take Effect, until his Majeſty's Approbation was firſt obtained. * In Compliance with this Requeſt of the Commons, the Lords Juſtices ſent over an Inſtruction to Governor *Thomas*, to that Effect. † In the mean Time, Orders were ſent over to all the Governors in *America*, to tranſmit to the Commons, a true State of their Paper-Currency. Which being done, they proceeded to examine into the Abuſes that had been committed therein, and by what Provinces. As alſo who they were that had exerciſed Diſcretion and Moderation, in Striking Bills of Credit, that they might not involve the Innocent with the Guilty, nor impoſe the ſame Reſtraint upon thoſe Provinces which had not exceeded the Bounds of Prudence, and might perhaps ſtand in need of an Augmentation of their Currency in Bills of Credit, which they did on thoſe who had, and to whoſe Indiſcretion therein, the Inconveniencies complained of were ſolely owing. Upon a full Diſquiſition of this Abuſe, and a faithful Repreſentation both of the Trade and Currency of this, and other Southern Provinces, the Com-

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* 21ſt. *Auguſt*, 1746.

† Votes, 1753. *Auguſt* 31.

mons were ſo well ſatisfied with their diſcreet Conduct therein, that when they paſſed a Law to remedy the Abuſe, they extended its Force to the Eaſtern Colonies only, leaving this and other Southern Colonies in the full Poſſeſſion of their former Rights, and at Liberty to uſe their Diſcretion as heretofore, in ſtriking Bills of Credit.

From this Account of the Riſe and Progreſs of this Inſtruction the following obſervations naturally occur.

Firſt. That the Houſe of Commons, in Addreſſing his Majeſty to ſend over his Inſtructions, had no other Deſign, than to reſtrain the *American* Legiſlatures from paſſing ſuch Laws, until they could examine into their ſeveral Currencies; and did not intend the Inſtruction to be general, or perpetually obligatory, but temporary only.

Secondly. That, upon a full Examination of the Matter, the Parliament's not including the Southern Colonies in the Statute paſſed to remedy the Abuſe, ſufficiently indicates their Intention to leave them in the entire Poſſeſſion of their former Rights, with Reſpect to the Paper Currency; eſpecially the Charter Governments. For had they conceived it neceſ-

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ſary to lay a Reſtraint upon ſuch Colonies, by Virtue of thoſe Inſtructions, they would moſt certainly have included them alſo in the Law; for they could not be ignorant that 'twas expreſſly reported by the Lords of Trade, "that Charter Governments, "by their particular Charters, and Conſtitutions, "apprehend themſelves to be little dependent on the "Crown, or the Inſtructions thereof, in Matters "of *Legiſlation.*"

Thirdly. That as the end propoſed by the Inſtruction, hath been fully anſwered by the Law, paſſed in 1751; and his Majeſty hath never repeated his Inſtruction to the Governors of this Province, nor * the Houſe of Commons requeſted it of him, tho' ſolicited thereto by the Board of Trade; this Colony muſt be allowed by every judicious and impartial Perſon to be exempt from the Force of that Inſtruction; which is become obſolete by Time, hath been ſuperſeded by the Examination and Law paſſed for the Eaſtern Governments, and is by no Means obligatory on our Governors.

But as a further Proof of this, and to ſhew that his Majeſty and Council could never conceive the Addreſs

* Votes 1753, *September* 10.

dreſs of the Commons intended to affect this Province; it muſt be obſerved that while that very Addreſs lay before them, *viz.* on the 12th of *May* 1740, his Majeſty in Council was graciouſly pleaſed to grant his Royal Confirmation to certain Laws of this Province; one intitled "an Act for the more effectual pre-"ſerving the Credit of our Paper Money;" and another for "reprinting, exchanging, and remitting all the Bills "of Credit, and for ſtriking the further Sum of "£. 11,110," which added to the Bills then paſſing, amounted to the greateſt Sum that had ever been current in this Province.

HAVING, I hope, thus fully explained the Nature and original of this Royal Inſtruction, which our Governors have made their Pretence for rejecting the Supply Bills preſented to them by the Aſſembly; and given the Reader a clear Idea of its Intent, and how far it may be deemed obligatory on our Legiſlature, I come now to examine the next Charge brought againſt the Aſſembly by this Writer, wherein he aſſerts, that "our late Governor *Hamilton*, upon receiving "his Majeſty's Orders to arm the Province, ſoli-"cited the Aſſembly to raiſe Money to enable them "to pay a proper obedience to the Royal Commands,

but

" but they totally disregarded them and adjourned." Never was Fact more falsely represented than this, nor more easily detected from the Messages of Mr. *Hamilton* and the Assembly to each other. Mr. *Hamilton* did indeed lay before the Assembly a Letter from the Right Honourable the Earl of *Holderness* to them, commanding them " to be in a Condition to resist " any hostile Attempts that may be made on any Part " of his Majesty's Dominions within his Govern- " ment; and requested them, to enable him to do " what his Majesty would expect from so populous a " Government." The Assembly having on the repeated Petitions of all the trading Part of * the Province, taken into Consideration our Trade and Currency, found that to Support our Commerce, and prevent its Decay, there was an absolute necessity for a further Sum of Money to be emitted in Bills of Credit. They had therefore prepared and presented to the Governor, a Bill for striking *Two Thousand Pounds* in Bills of Credit, to be added to the present Currency, and to be emitted on Loan, as in former Cases of the like Nature. The Reason assigned by the Governor, for refusing his Assent to this important

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* Votes, *February* 1754, *vid.* Report of Committee on Trade.

tant and neceſſary Bill appears extremely weak, *viz.* " That this and the Southern Colonies, had with " great Difficulty been ſaved out of the late Act of " Parliament, reſtraining the Eaſtern Colonies from " creating and re-emitting Bills of Credit, except on " extraordinary Emergencies. That this Favour was " ſhewn us in particular by the *Britiſh* Parliament, " upon Repreſentations made in our Behalf, that we " had never exceeded the Bounds of Moderation, " with Regard to the Quantities made by us. And " therefore he would not paſs the Bill, leſt ſuch a " Conduct might ſubject us to the diſpleaſure of his " Majeſty, and the *Britiſh* Parliament." The Aſſembly reply, that they are by no Means deſirous of exceeding the Bounds of Moderation; that the Gold and Silver formerly current here, had been exported and remitted to *Great-Britain*, in return for Commodities received from thence; that our Trade really languiſhed for want of an Addition to our Paper Currency; and that upon further Conſideration they hoped the Governor would find the Sum to be Current after the Deduction propoſed by the Bill from the Sum to be ſtruck, ſo much below what our Trade and Commerce, and the Intereſt of the Merchants and Manufacturers of *Great-Britain* trading to this Province required, that it could not fail of meeting his Approbation

bation. But, notwithſtanding this warm Repreſentation of the Neceſſity for a further *Medium* of Trade, the Governor refuſed the Bill, and nothing more was done reſpecting the Supplies demanded, this Seſſion.

These Reaſons given by Governor *Hamilton*, for refuſing a Bill ſo eſſential to the Trade of the Province, not being ſatisfactory to the Aſſembly; they once more, upon his demanding Supplies to enable him to comply with his Majeſty's Orders, expreſſed in the Secretary of State's Letter, prepared a Bill for ſtriking *Forty Thouſand Pounds*, in Bills of Credit, to be emitted on Loan, which they now conceived would anſwer two good Purpoſes; that of increaſing our Currency, and of raiſing the Supplies called for to repel any Attempts that ſhould be made on the Province by his Majeſty's Enemies. This Bill was attended with a Meſſage from the Aſſembly, declaring, "that "they conceiv'd it not only abſolutely neceſſary to the "Trade and Welfare of the Province, but alſo to the "Support of Government; upon the Succeſs of "which, their Deliberations at that Time muſt, in a "great Meaſure, depend." That they "laid it be-"fore him as a Bill of the utmoſt Importance, and "to which they unanimouſly requeſted he would be "pleaſed to give his Aſſent." But the Governor, tho'

tho' he had in ſeveral antecedent Meſſages, confeſſed the Neceſſity of a further Currency to Support our Trade, yet being prohibited by Proprietary Inſtructions from paſſing a Bill of that Nature, and, at the ſame Time, unwilling to reveal them, he abſolutely refuſed the Bill, in the following peremptory Manner? *viz.* "As neither my Inclination, the ſhort-"neſs and urgency of the Time, nor the Circum-"ſtances of my Health will admit of my engaging "in a Controverſy on the Subject of the Paper Mo-"ney Bill, lately preſented for my Approbation, I "will cut off all Occaſion for that, by giving, as I "hereby do, an abſolute Negative to the Bill." Thus, unfortunately for the People, a Bill of the greateſt Importance to the Trade and Welfare of the Province, and acknowledged to be ſuch by the Governor himſelf, was finally ſet aſide, and in a Manner very inconſiſtent with the Freedom of Legiſlation, as it tended to cut off all Acceſs from the Aſſembly to the Governor, and was a Denial of any further Conference on that Bill. How far this may be conſiſtent with the Freedom of a *Britiſh* Parliament, I leave thoſe who are acquainted with the *Britiſh* Conſtitution to judge. When a Bill is preſented for the Royal Approbation, to which his Majeſty is not pleas'd to aſſent, he anſwers his Parliament in the condeſcend-

ing Terms, " that he will adviſe thereon," that he may not be ſaid to do an Act tending to deprive his People of free Application and Acceſs to his Royal Perſon, on any Occaſion whatever. This is the Condeſcenſion which a *Briton* receives from his Sovereign, too great it ſeems, to be paid us, even from the Deputy of a private Subject; and becauſe, at ſo remote a Diſtance from the Royal Eye, and Protection, we muſt tamely ſubmit to a Treatment better ſuited to *French* Slaves, than *Britiſh* Freemen.

I MUST, however, do this Gentleman the Juſtice to acknowledge, that he ſeemed well inclined to do his Country Service, had he been a Free-agent, and left, in Matters of Legiſlation, " to his beſt Diſcretion." Had he not been tied down to Proprietary Inſtructions, he would have acquieſced in the regular, and conſtitutional Meaſures of the Aſſembly, and notwithſtanding the Royal Inſtruction ſo much inſiſted on, would moſt certainly have paſſed the Laws at that Time ſo neceſſary for the Support of Trade, and Security of the Province. This appears manifeſt beyond Contradiction, from his Meſſage to the Aſſembly, *February* the 19th 1754; wherein he promiſes to concur with them in paſſing a Law for ſtriking a further Sum in Bills of Credit; to raiſe Supplies for

his

his Majeſty's Uſe, without a ſuſpending Clauſe, provided they would create a Fund to ſink it in a few Years. And thus, did this Inſtruction, together with the ridiculous refin'd Reaſoning thereon, at once vaniſh; the Miſt cleared up, and it became viſible that 'twas not the Fear of "incurring his Majeſty's higheſt "Diſpleaſure," but ſome other latent Cauſe, which prevented the Money Bills, out of which Supplies were to be raiſed, from being accepted; and ſo far had his Majeſty's Inſtruction been diſhonoured, as to ſerve by Way of Mask or Screen to thoſe of the Proprietaries. In Reality, ever ſince Proprietary Inſtructions are grown faſhionable, 'tis the Maſter Policy of our Governors, to find out ſome Order or other of the King, or his Miniſtry, to fix the Odium, and Imputation of the vehement Oppoſition they give to the enacting ſalutary Laws upon, while the true one lies concealed behind the Curtain. Now, whether this be acting with Fidelity, Loyalty, and Duty towards their Sovereign; whether it be juſtifiable in a Proprietary to permit, or in a Governor to proſtitute his Majeſty's Royal Orders to ſuch unworthy Purpoſes, and in a Manner tending to alienate the Affections of his Subjects from his Royal Perſon, is humbly ſubmitted to the Judgment of himſelf, his Miniſtry, and Parliament. Moſt certainly, never was a Royal In-

ſtruction

ſtruction ſo miſerably bandied about; ſo ſcandalouſly perverted, and at laſt ſo ſhamefully and ſilently given up, as this has been.

The Aſſembly being met according to adjournment, a Proſpect now opened itſelf to them of granting Supplies in a Way that would meet with Acceptance. By his Meſſage of *February* 19th, 1754. The Governor had waved the Royal Inſtruction, on which he had ſo long founded his Reaſons for rejecting the Supply Bills, and promiſed, as I above hinted, "That "if the Aſſembly ſhould be of Opinion that there "was a Neceſſity to ſtrike a farther Sum in Bills of "Credit, to defray the Charges of raiſing Supplies "for his Majeſty's Service, in this Time of *immi-* "*nent* Danger, and will create a proper Fund or "Funds, for ſinking the ſame in a few Years, he "would concur with them in paſſing a Law for that "Purpoſe." And by his Meſſage of the 28th of the ſame Month, having acknowledged that the Term of 10 Years for extending the Exciſe, in Order to ſink the £.5000 granted to the King's Uſe, in Governor *Thomas*'s Adminiſtration, "was but a ſhort Space of "Time." The Aſſembly, deeply affected with the public Diſtreſs, did, in *Obedience* to his Majeſty's Orders, and to enable the Governor to defend the

Province,

Province, forbear to inſiſt on the Bill for a further Currency, tho' even then highly neceſſary, and come into the Meaſures propoſed by the Governor himſelf for Defence of the Province. They therefore formed a Bill ſtrictly agreeable to the Governor's Directions in the forementioned Meſſages, for ſtriking £.30000 in Bills of Credit, for granting £.10000 thereof to the King's Uſe, and for applying the remaining £.20000 to the Exchange of torn and ragged Bills then Current in the Province but ſcarcely paſſable; and for ſinking the £.10000 by an Exciſe on ſtrong Liquors, in ten Years, the ſame Space of Time, which the Governor agreed to be " a ſhort one," for ſinking £.5000 They could not ſuſpect that the Governor would ſo far deviate from his own Propoſal and Promiſe, as to refuſe a Bill made in Purſuance thereof, and which was to ſink £.10000 in the ſame Space of Time, Governor *Thomas* had paſſed a Law for ſinking £.5000 only, which Law had received the Royal Approbation. But herein, they were, to their extreme Surprize, diſappointed. For, notwithſtanding the Danger which the Province then was in, by the daily Approach of the *French* nearer and nearer to our Borders, and the Expulſion of the *Virginians* from their Fort on the *Ohio*, to recover

which

which, an Expedition was then carrying on, which this ſeaſonable Supply would have helped to facilitate; notwithſtanding all this, ſo immoveably attached was our Governor to his private Inſtructions; ſo regardleſs of his own Promiſe, and his Majeſty's Orders and Service, that he refuſed the Supplies granted by the Bill, and put the Aſſembly off with this frivolous and evaſive Anſwer, *viz.* "That he could ſee no "Reaſon for extending the Exciſe longer than four "Years beyond the Date of its preſent Limitation." This was the Reaſon aſſigned by Mr. *Hamilton* for rejecting the ſupplies, the Objection founded on the Royal Inſtruction having long been dropt; Yet would our *ingenuous* and *faithful* Pamphleteer inſinuate, that this Royal Inſtruction was the chief Cauſe, and that the Aſſembly "knew very well, before they "propoſed the Bill, that he could not give his Aſſent "thereto, without incurring his Majeſty's higheſt Diſ-"pleaſure;" tho' he had but in the † Page before, confeſſed that Mr. *Hamilton* "let them know, he "would, in the preſent Emergency, paſs the Bill, "without the ſuſpending Clauſe, enjoined by the "Royal Inſtruction,

In

† p. 19.

In answer to this shuffling Message of the Governor, and in Support of their Rights as a House of Commons, the Assembly † justly replied, that "they, "as the Representatives of the People, have the un- "doubted Right to judge and determine, not only "of the Sum to be raised for the Use of the Crown, "but also of the Manner of raising it." They further tell him, that they then offered £.10,000 to the Crown, and proposed a Manner of raising it, which they judged most easy and convenient for the People they represent. They also call in Question his Sense of the *imminent* Danger the Province was then in, as they could not think it possible for him to refuse a Supply Bill at such a Time, "merely from an Opi- "nion that a shorter Time for sinking the Bills would "be more easy for the People."

Hereupon the Governor grows warm, and by a wanton, extraordinary Demand, gives evident Proof of a Design laid to dispossess the Assembly of their Privilege to fix the Mode of granting Supplies; a Privilege the most essential they enjoy, and which when ravished from them, would reduce them to mere Cyphers in the Constitution. He rejoins, and justifies his Amendments of the Supply Bills with much Ve-

 hemence,

† Votes, *May* 15, 1754.

hemence, * Declaring, that " he has a Right to ex-
" erciſe his Judgment, with Reſpect to Money-Bills,
" farther than either to approve or reject them as
" they are offered." The Reaſon he gives is no leſs extraordinary than his Claim; for he aſſerts, that " the Governors of this Province, are inveſted with " one Half of the legiſlative Power, and equally " concerned in Duty to conſult the Eaſe, Freedom, " and Welfare of the People commited to their " Care." The Injuſtice and Abſurdity of ſuch a Claim, is well known to every Body, who knows any Thing of our Mother Conſtitution. There the King and Lords in Parliament, are inveſted with two Thirds of the legiſlative Power; the Duty of conſulting the Eaſe, Freedom and Welfare of the People, is as much incumbent upon them, as upon the Commons, and yet they never, at preſent, preſume to meddle with Supply Bills, or make Amendments therein; and tho' the Lords have heretofore attempted it, they were always obliged to give Way, and have now left the Commons in the full Enjoyment of that eſſential Privilege of granting Supplies and Aids to the Crown, in their own Way.

The Reaſon which our Pamphleteer aſſigns to juſtify this unconſtitutional Invaſion of the Aſſembly's moſt

* *May* 17.

moſt eſſential Privilege, is, that " in that Space of " Time, the Exciſe would raiſe £.45000, *viz.* " £.10,000 for the King's Uſe, and the remaining " £.35000 would have been at their own diſpoſal, " for what Uſes they might think fit." This *worthy Patriot* would perhaps think it more juſt and equitable that this Sum ſhould be committed to the Diſpoſal of our Proprietaries, who contributed nothing towards it; who have ever enjoyed an Immunity from Taxes for the Support of Government; nay, who have refuſed to permit their Eſtates to be taxed for the immediate Defence of the Province, in Common with thoſe of the Inhabitants, tho' the Country lay bleeding in almoſt every Part of its Frontiers, rather than entruſted in the Hands of thoſe out of whoſe Fortunes and Eſtates the whole was to be levy'd; and thus, according to his Principles of Equity, Perſons who have neither Inclination, Senſe of Intereſt, Duty, or any other Obligation to diſpoſe of it for the Public Utility, ſhould have the Power of laying it out. The Aſſembly has never claimed the ſole Diſpoſition of any Money to which the Proprietaries contributed, but have, on the contrary, allowed that very Contribution to entitle them, in Juſtice, to a Voice in ſuch Diſpoſition. This appears evident from

the late Bill for granting £. 60,000 to the King's Uſe; in the Diſpoſition of which the Proprietaries Deputy had a Negative. But our Proprietaries have not been ſo reaſonable on their Part; for altho' the People have ſolely ſupported the Government, and the Aſſembly hath aſſented to a Law for exempting their Eſtates from bearing any Share in the common Expences, and altho' his Majeſty has concurred in giving the Aſſembly the Diſpoſition of their own Funds, by his Aſſent to the Laws for that Purpoſe, ſent over for his Royal Approbation, yet not ſatisfied with this Exemption, they are graſping at the Diſpoſition of thoſe very Funds, which his Majeſty has been pleaſed to think moſt ſafe in the Hands of the Aſſembly, and to which they were not to contribute a ſingle Penny.

Our Author proceeds in his Vindication of the Governor, by aſſerting, that "he juſtly conſidered, "if he ſhould paſs this Bill, it would be giving the "Government out of his Hands, and rendering "himſelf and his Succeſſors entirely unneceſſary in "the Adminiſtration for twelve Years." This aſſertion, like the reſt, is quite unſupported by Proof, as well as contradictory to Reaſon and Experience. The Aſſembly have, for near forty Years paſt, had in their Hands the Diſpoſal of the Supplies of the Exciſe, and the Intereſt Money ariſing on the Bills of

Credit

Credit lent to the People; and yet neither the King, nor Proprietaries, have been of Opinion, that a Governor was thereby rendered unneceſſary in the Adminiſtration; for it deprives him neither of his legiſlative nor military Capacity; he retains the ſame Power of granting all Offices *during his Pleaſure*. He remains entitled to the ſame Profits and Perquiſites of Government, and has the ſame Power of collecting them. This fine-ſpun Reaſon therefore being invalid, there muſt needs be ſome other which the Gentleman choſe not to reveal. Had he meant that the Governor would be thereby rendered in ſome Sort "unneceſſary" to thoſe who were the Creatures and Dependents of himſelf, and the Proprietaries, there had been Truth in it. Here lay the grand Secret, *hinc illæ Lachrymæ*, *This was the Subject of his Lamentation*. Let the Aſſembly be once deprived of this long-enjoyed Privilege, the good Effects whereof have been ſo happily experienced by this Province, and let it be veſted in the Hands of our Governors, they will then have it in their Power to retain ſuch a Compenſation for their eminent Services, as they, in their own Diſcretion, may think meet. This *ingenious* Author, will then be amply recompenſed for the many Declamations he has publiſhed *againſt the Conſtitution*; and every ſervile Courtier will, for his *extraordinary*

traordinary Merit, be maintained and Supported out of the *People's Pocket*. Nay more, the Aſſembly would be no longer able to continue Agents in *London*, to make the neceſſary Repreſentations of the Affairs of the Province to the King or Parliament, to lay their Grievances before them and Petition for Redreſs; but our Governors, ſet at large from that Controul, might for ever after oppreſs and tyrannize with Impunity.

He adds, * "it would be putting £.35000 into "the Hands of the Aſſembly, ſtill more to increaſe "their Power, and lay out in Schemes to abridge "the Power of their Proprietaries and Governors; "and to oppreſs thoſe who oppoſe their Meaſures." High Crimes theſe indeed! But how aſtoniſhing and ridiculous will my Reader think it, that the only Proofs he brings, if he brings any, in Support of them, are the Building Hoſpitals, and ſuch like public, humane, and charitable Undertakings! As therefore, this Gentleman hath thought it expedient to mention theſe Matters, I muſt beg Leave to give my Reader ſome ſhort Account of them.

In

* p. 20.

In 1741 Governor *Thomas* repreſented to the Aſſembly that infectious Diſeaſes were frequently imported by *Palatine* and other Ships, which ſpread throughout the Province, and were attended with very melancholy Circumſtances; and alſo, that thoſe Ships were generally ſo full of Paſſengers, that he could not oblige them to perform Quarentine, without endangering their Lives by the Confinement and Infection together. In Purſuance of this Application, the Aſſembly purchaſed an Iſland ten Miles below the City, and raiſed ſome additional Buildings to thoſe already on it, which are now made a Peſthouſe, for the Reception and Accommodation of the Sick; and by Means thereof, great Numbers have been ſince reſcued from the Jaws of Death. The Man who would charge an Act of ſuch Benevolence and Humanity as a Crime upon the Aſſembly, muſt be one who has a Heart inſenſible to both. But if it really muſt be conſtrued as a Crime by this ſevere Judge, why is the Aſſembly only accuſed; it was firſt propoſed and ſolicited by the Governor, and a Law was by him paſſed for that Purpoſe.

Another Proof of this Charge, is the erection of an Hoſpital for the Lame, the Maimed, the Mad, and the Wounded; an undertaking that ſets the Generoſity, and Public Spirit of our Proprietaries, and this Advocate of theirs, in a true Light.

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In 1751 a conſiderable Number of the Inhabitants of *Philadelphia*, preſented a Petition to the Aſſembly, requeſting their aſſiſtance towards Building a Provincial Hoſpital, to be put under ſuch Regulations as the Houſe ſhould think proper. Agreeable to this, the Aſſembly formed and paſſed a Bill, which received the Governor's Aſſent, and was enacted into a Law; Incorporating the Contributors, by the Name of the *Contributors of the* Pennſylvania *Hoſpital*; and directing, that as ſoon as they ſhall have raiſed by their Contributions, a Capital Stock of £.2000, the Speaker ſhould Sign an Order on the Provincial Treaſurer for £.2000 more, payable to the Treaſurer of the Hoſpital, to be applyed to the Founding, Building, and Furniſhing the ſame. Under Countenance of this Law, a Subſcription was ſet on Foot, whichin a ſhort Time amounted to more than the Sum required by the Act. Nothing was now wanting but a Piece of Ground to erect the Hoſpital upon; well aſſured therefore that the Proprietaries would do any Thing in Reaſon to promote a Deſign ſo laudable, ſo full of Benevolence and Humanity, the Managers applyed to them, in a very reſpectful Addreſs, for a Lot of Ground, which they thought commodious for their Purpoſe. They declared themſelves extremely well affected towards the Deſign, and promiſed to give it

all

all the Encouragement it merited. But alas! Words are not always accompanied with Actions. This Maxim was remarkably verified by the Conduct of our Proprietaries; they refuſed to grant the Lot of Ground that was requeſted; nay, they refuſed even to ſell it; ſo far were they from giving the leaſt Encouragement to this Benevolent Scheme, that they did as much as lay in them to diſcourage it: By a Commiſſion which they ſent over to the Governor empowering him to grant a Charter of Incorporation to the Managers of the Hoſpital, they abridged them even of thoſe Privileges, and Advantages already granted to them by the Law; † in lieu of the Piece of Ground which had been fixed upon, they offered a foggy, damp, unwholeſome Lot, fitter for a Burial Place, (to which Part of it had been appropriated,) than an Hoſpital intended for the Reſtoration of Health; and even this was not in their Power to beſtow; the late Honorable Proprietary had already granted it to the Inhabitants of the City for Public Uſes; as appears evidently from a Map of the City drawn by the Proprietary-Surveyor-General:

† They ſubjected the Hoſpital to Viſitors of their own Appointment; and a Proviſo was to be inſerted in their Charter, by which the Lot, and conſequently the Buildings and Improvements made thereon, were to revert to the Proprietaries, on Failure of a ſucceſſion of Contributors, which muſt neceſſarily have happened, as the Sum allowed for its Support was limited.

However, the activity of the Managers ſurmounted theſe Impediments; they purchaſed a Lot of private Perſons, and have ſince that conducted the Inſtitution with ſo much Spirit, Skill, and OEconomy, that it now thrives even beyond the Hopes of its warmeſt Promoters. From the Account given of this Affair, which is preciſely juſt, the Reader will ſee, that were I any ways inclined to Satyr, I have here full Scope to exert it; there is ſomething ſo extremely ungenerous, not to ſay inhuman, in the Conduct of our Author and his Patrons, with Reſpect to it, as well Merits to be expoſed in the moſt ſevere Terms. I ſhall however wave it, and leave the Reader to his own Reflections. But ſuffer me to vindicate our Aſſembly, and to ſay, if the Encouragement they gave to theſe charitable Undertakings be a Profuſion, as the Author of the B. S. and B. V. intimates, 'tis a Profuſion they may glory in; 'tis a Profuſion juſtified by the Laws of Humanity, the Dictates of Religion, and the Example of every civilized Nation in the Univerſe.

I now leave this Digreſſion, which the Author I am animadverting upon, has made neceſſary, and return to my Subject.

FROM the Explanation I have given of the Facts, it appears plainly, I hope, that the Aſſembly had nothing more at Heart than the Defence of their Country; that, with the greateſt Chearfulneſs, they have always granted Supplies, in ſuch Manner as they were able, without oppreſſing the People, whenever his Majeſty's Service, and the Intereſt of their Country required; and, in all human Probability, had the Governor paſſed the Bill for granting £.10,000 to his Majeſty's Uſe, when it was preſented to him, proceeded to levy Troops, and ſent them in Time to the Aſſiſtance of Mr. *Waſhington*, that Gentleman's unhappy Defeat would have been prevented, and the long Train of Miſchiefs attending it, averted.

ON his Defeat Mr. *Hamilton* again demanded Supplies of the Aſſembly, who, with their uſual Chearfulneſs, voted £.15000 for his Majeſty's Uſe, to be ſunk as by the former Bill; but it met the ſame Fate with that, and was rejected.

DISGUSTED at the numberleſs Difficulties impoſed upon him by theſe oppreſſive Inſtructions; and ſhocked at the odious Alternative he lay expoſed to, either of becoming the unwilling Inſtrument of diſobeying his Majeſty's Inſtructions for the Defence of the Province,

and

and of enſlaving his Country, in which common Calamity, himſelf, his Friends, and Relations, would be involved; or elſe of Ruining his Fortune by a Forfeiture of his Bond, Mr. *Hamilton* wrote the Proprietaries Word that he intended ſhortly to reſign the Government, which he actually did.

He was ſucceeded by Mr. *Morris*, who as our Author aſſerts, " Spoke in the moſt pathetic Terms to " the new Aſſembly, compoſed of the old Members, " who offered a Bill for £.20000 conceived in the " ſame Terms as before, tho' he had told them before-" hand, that he was ſubjected to the ſame Inſtructions " as his Predeceſſors, and could not paſs any ſuch Bill " into a Law." In this, as in every other Inſtance, he hath ſuppreſſed ſo much of every Tranſaction, as diſables the World from judging with any Certainty concerning it. But as the Fact hinted at is material, it deſerves a more particular Explanation.

By his Meſſage of the third of *December*, 1754, the Governor very juſtly pointed out the dangerous Circumſtances of the Province, and called on the Aſſembly for Supplies to enable him to execute the King's Commands. But never, as this Writer expreſly, and falſely affirms, had " told them beforehand, that he was " ſubjected

" ſubjected to the ſame Inſtructions as his Predeceſſors," till about a Month after, in his Meſſage of the thirtieth of *December*; he ſays, " it was certainly true that he " had Proprietary Inſtructions." Thus, does this Writer never fail, in Deſpite of Juſtice, Candor, Conſcience, and every honorable Motive, either to falſify, or, at leaſt, miſrepreſent every Fact he has taken upon him to relate.

In anſwer to the Governors firſt Meſſage, the Aſſembly by another of the fourteenth, declare, " that they " account it their indiſpenſable Duty to do every Thing " in their Power to comply with his Majeſty's Royal " Orders, or that may contribute to the Welfare of the " People they repreſent." And therefore, " had chear- " fully and almoſt unanimouſly voted £.20000 for the " King's Uſe." Adding further, " that they had Rea- " ſon to believe, that the Sums granted to the King's " Uſe by the late Aſſembly, had the then Governor " been pleaſed to paſs the Bills offered to him for that " Purpoſe, might, in a great Meaſure, if not totally " have prevented the bad Situation of our Affairs at " preſent, and placed their Duty to the beſt of King's, " among the moſt loving and faithful of his Subjects."

A Message ſo candid, and an Offer ſo generous on the Part of the Aſſembly, greatly embarraſſed the Governors Conduct. The Country was entirely defenceleſs; the Aſſembly by a Variety of Offers, had given undeniable Teſtimony of their Inclination, and Zeal to defend it; they had raiſed the former Sums offered, up to £.20000. Should he refuſe the Sum, the Governor ſaw that the Frontiers muſt ſtill lie expoſed to the Encroachments and Ravages of the Enemy; and accept it he could not, without breaking through the Proprietaries Inſtructions, a Forfeiture of his Bond, and conſequently great Detriment to his Fortune. To extricate himſelf out of this Dilemma with Honor, was no very eaſy Matter. In vain did he labor for Arguments in his Reply; no ſolid Reaſon could be given for rejecting a Supply ſo conſiderable, at a Time of ſuch imminent Danger and Diſtreſs. Like a drowning Man, who catches at a Straw, he firſt lays hold upon the Royal Inſtruction, that has been ſo largely explained above, declaring, "that he could not agree to the Bill by any "Means, as he was forbid by the Royal Inſtruction to "paſs any Law for creating Money in Bills of Credit "without a ſuſpending Clauſe, that it ſhould not take "Effect till his Majeſty's Pleaſure be known," and ſends down Sir *Dudley Rider*'s Opinion to prove that it was "in full Force and binding on him." But this being

too

too thin a Veil to hide his Proprietary Inſtructions, he takes Shelter under the Act of Parliament, reſtraining the four eaſtern Governments from emitting Paper Currency, unleſs in Caſes of Emergency; and promiſes the Aſſembly, that, " as he hoped he ſhould be juſtified " in thinking that the Reaſon holds good as to us, he " will join in any Bill they ſhould think our preſſing " Occaſions demand, provided a Fund be eſtabliſhed " for ſinking the ſame in five Years." His ſecond Paragraph is ſtrangely inconſiſtent with his firſt; for there he agrees to drop the ſuſpending Clauſe enjoined by the Royal Inſtruction, and paſs a Bill without it, but in the ſecond, " he hopes when they, *viz.* the " Aſſembly, come to reflect on the Obligations he is " under to pay Obedience to his Majeſty's Inſtructions, " they will not preſs him to diſobey them;" nay, owns himſelf convinced, that " they act from upright Mo- " tives, and agreeable to what they eſteem the true In- " tereſt of their Country."

The Abſurdity, and palpable Contradictions in this Mode of Reaſoning, demand our animadverſion. *Firſt* then, the Governor declares himſelf " forbid by " the Royal Inſtruction to paſs the Law without a ſuſ- " pending Clauſe;" and ſent down Sir *Dudley Rider's* Opinion to prove it binding upon him; he hopes that the

the Aſſembly will not preſs him to diſobey it, and yet, in Deſpite of all this, offers, without the leaſt ſolicitation, to wave that very Inſtruction, and that very ſuſpending Clauſe, and to paſs a Law without it, in Caſe they would provide a Fund to ſink the Bills in five Years, conformable to the Act of Parliament made for the Eaſtern Colonies. Now, I would ask, what Connexion this Act of Parliament hath with the Royal Inſtruction, or what Dependence the Royal Inſtruction hath upon this Act of Parliament? How could the Governor's Influence and Authority, much leſs his Conjectures, make an Act of Parliament, particularly confined to the Eaſtern Governments, extend to this Province? Or had he ſuch Power, how could he imagine it would take off the Force and Obligation of the Royal Inſtruction, and ſave him from his Majeſty's Diſpleaſure, if it were really in Force?

Thus at length was the Royal Inſtruction, ſo long objected both by Mr. *Hamilton* and Mr. *Morris* as an inſuperable Impediment to their paſſing the Supply Bills, tho' I have above proved it not to be binding on our Governors, expreſly wav'd.

The Aſſembly therefore had the ſtrongeſt Reaſons to ſuſpect that the Governor was debarred from a Diſcharge

charge of his Duty by ſecret Proprietary Inſtructions, which reſtrained him from paſſing any Law for raiſing Money by Bills of Credit, unleſs a Fund was eſtabliſhed to ſink it in five Years; theſe Reaſons were corroborated by reflecting on the Diſpleaſure which their Proprietaries conceived at their not having a Hand in the Diſpoſition of the People's Money, tho' raiſed on their own Fortunes and Eſtates, without the leaſt Contribution, from themſelves or their Deputies. Determined therefore, to remove ſuch iniquitous Obſtructions to Public Meaſures, and the Defence of their Country, they aſſured the Governor by a Meſſage *December* 20th, that they had reſolved to apply for Redreſs either to the Crown, the Lords of Trade, or even the Proprietaries themſelves as the Caſe ſhould require; and moreover requeſted him to inform them "whether the Royal Inſtruction was the only Impediment, or whether he had any further Inſtructions "from the Proprietaries, which influenced him in "refuſing his Aſſent to this Bill? And, if he had, "that he would be pleaſed to lay thoſe Inſtructions "before them for their Conſideration."

To this Requeſt of the Houſe, the Governor returned an equivocal Anſwer; he confeſſed that he had Inſtructions from the Proprietaries; denied not

that they were the Cauſe of his refuſing the Supplies; but called the Requeſt "indecent" and unprecedented; yet promiſed "to communicate them whenever the Public Service ſhould require it."

The Aſſembly in their Reply inſiſt, that "it is the "undoubted Right of a *Britiſh* Parliament to Addreſs the Crown for ſuch Information as they judge "neceſſary to their Deliberations; and that there"fore, their Requeſt was not indecent." They further give Inſtances not only where the Royal Inſtructions, but thoſe of the Proprietaries alſo, had been laid before them; and therefore affirm it to be not unprecedented. They ſhew the abſolute neceſſity they lay under of ſeeing the Proprietary Inſtructions, ſince without it they had already found it impoſſible to know what Bill would coincide with them; and, whatever Bills they might prepare for Defence of the Province, they would, after all their Trouble in framing them, and after all the Expence to the Country, be ſtill liable to the ſame Difficulties, unleſs they could know what thoſe Inſtructions were, and could procure a Conference with the Governor thereon. They give an Inſtance where this had been done before, and "produced the deſired Effect." They therefore again ſolicit him in Purſuance of his Promiſe,

miſe, to lay the Proprietary Inſtructions before them now, as it was a Juncture " when the Public Service required it." For that they are under a neceſſity to Addreſs the Crown in Support of their civil and religious Liberties, and therein make the Force and Validity of thoſe Inſtructions, the great End of their Petition.

But nothing was more diſtant from the Governor's Thoughts, than a Compliance with his own Promiſe, and with this reaſonable and neceſſary Requeſt. For, notwithſtanding ſo many Supply Bills formed, as hath been obſerv'd above, by the Aſſembly with no ſmall Trouble, and to the great Expence of the Province, had been rejected by him and his Predeceſſor; notwithſtanding a View of the Proprietary Inſtructions was requeſted by the Houſe, who thought it their Duty to guard againſt their evil Tendency, by applying to the Crown for Relief againſt them, and by Framing Bills which they did not affect; and notwithſtanding the dangerous Circumſtances of the Province, which had been ſo well deſcribed by the Governor in his late Meſſage; he yet let the Aſſembly know, " that he could not think it, at that Time, " for his Majeſty's Service, or the Intereſt of the " Province to communicate them." And the Reaſons

he Aſſigned for his Conduct were, I think, as extraordinary as that. "His firſt is, becauſe they had "expreſſed in their laſt Meſſage, a great diſlike to "Proprietary Inſtructions;" his ſecond, "becauſe "they had declared that they intended to make the "Force and Validity of them, the great End of their "Petition to the Crown." Tho' it was very ingenuous in the Aſſembly to inform the Governor that they intended to make thoſe Inſtructions the Subject of an Addreſs to the Crown, it was not equally Politic; it was ſufficient to deter him from laying them before them, as he was well aſſured they would not bear the Examination of a *Britiſh* Parliament, or the Inſpection of the Royal Eye.

In their next Meſſage the Aſſembly give a very fair and impartial State of the Diſpute; the whole is too long to be inſerted; one Point however deſerves particular Conſideration. They declare that ſuch Proprietary Inſtructions, and Reſtraints on their Governors, have been adjudged and reſolved by the Governor's Council, and Repreſentatives of the People, either,

Firſt. Inconsistent with the legal Prerogative of the Crown, as ſettled by Act of Parliament.

Secondly.

Secondly. Or a Breach of the Charter of Privileges of the People.

Thirdly. Or abſurd in their Concluſions and therefore impracticable.

Fourthly. Or void in themſelves. From the ſubſequent Experience they have had, on the Refuſal of a Multitude of Bills offered for Defence of the Province, they might have added

Fifthly. That they were inconſiſtent with the Allegiance due to his Majeſty as well from the Proprietaries, as the People of the Province.

To conclude the Tranſactions of this long Seſſion of Aſſembly: The Houſe finding no Poſſibility of agreeing with the Governor on any Terms, but ſuch as would deprive them of their ineſtimable Privileges; yet being determined to obey as far as lay in their Power, his Majeſty's Commands, conveyed to them by Sir *Thomas Robinſon*'s Letter, unanimouſly voted £.5000 to Purchaſe Proviſions and Victuals for the King's Troops upon their Arrival, as will appear from the

the following Reſolves of the Houſe. † " The " Letter from Sir *Thomas Robinſon* to the Governor, " of the 26th of *October*, being again read, it was " obſerved by the Houſe that the following Points " were particularly recommended to the Governors " Care.

" That he ſhould carefully provide a Quantity of " freſh Victuals, at the Expence of this Government, " to be ready for the Uſe of his Majeſty's Troops at " their Arrival; that he ſhould likewiſe furniſh the " Officers, who may have Occaſion to go from Place " to Place, with all neceſſaries for Travelling by Land, " in Caſe there are no Means of going by Sea; and " that he ſhould uſe his utmoſt Diligence and Au- " thority in procuring an exact Obſervance of ſuch " Orders, as ſhall be iſſued from Time to Time, by " the Commander in Chief, for quartering the " Troops, impreſſing Carriages, and providing ne- " ceſſaries for ſuch Forces, as ſhall arrive, or be raiſed " within the Government,

" That with regard to ſuch other Articles, which " are of a more general Concern, it is the King's " Pleaſure, that he will uſe his utmoſt Endeavours to " induce

† Votes *January* 3, 1755.

" induce the Assembly of this Province, to raise " forthwith, as large a Sum as can be afforded, as " their Contribution to a common Fund, to be em- " ployed provisionally, for the general Service of " *North-America*.

" WHEREUPON it was considered, that this House " in Obedience to the Royal Orders, signified by the " Earl of *Holderness*'s Letter of 28th of *August* 1753, " and by Sir *Thomas Robinson*'s several Letters of the " 5th of *July* and 26th of *October* last, had pre- " sented to the Governor, a Bill for granting £20000. " to the King's Use, to which he was pleased to re- " fuse his Assent; influenced thereto, as this House " unanimously presume, principally, if not solely, " by Instructions from the Proprietaries. And altho' " the House are thereby hindered from making Pro- " vision for all the Purposes of the said Royal Or- " ders, in the Manner they could desire (the Trea- " sury being quite exhausted by *Indian* and other " Expences, and large Sums paid out of the Loan- " Office, for Orders actually, and usually drawn upon " the Treasury, insomuch that there is scarcely a Ba- " lance of £.500 now remaining in the Trustees " Hands) yet nevertheless, they are desirous to com- " ply with the Expectations of the Crown, as far as,

" their

" their present Circumstances considered, they are
" able. It is therefore,

" *Resolved* N. C. D.

" That *Isaac Norris*, Esq; Speaker, *Evan*
" *Morgan*, *Joseph Fox*, *James Pemberton*, *James*
" *Wright*, *Joseph Armstrong*, and *John Smith* Gentle-
" men, Members of this House, be, and they are
" hereby nominated and empowered to take up and
" borrow, on the Credit of this House, any Sum
" not exceeding £.5000 lawful Money of this Pro-
" vince, to be by them laid out, for purchasing fresh
" Provisions and other necessaries, as they, or a Ma-
" jority of them, shall think necessary for the King's
" Troops, at their Arrival; for all which Money,
" borrowed as aforesaid, they the abovenamed Gen-
" tlemen, or any four of them, shall give a Certi-
" ficate or Certificates, as the Case may require, un-
" der their Hands, to the Person or Persons lending
" the same, certifying that such Money was taken up
" and borrowed, for the King's Use in the Manner
" and for the Purposes directed by this Resolve. And
" this House will repay, or take effectual Care to se-
" cure the Repayment of all and every Sum or Sums

" of

" of Money ſo as aforeſaid, with Intereſt, if neceſ-
" ſary."

THE Aſſembly hereupon adjourned to the 12th of *May* following.

FROM this Account of the Tranſactions between the Governor and Aſſembly, ſupported by the Minutes of the Houſe, the impartial and unprejudiced may eaſily determine, whether it was the Duty of the Aſſembly, or of the Governor, to recede from their Pretenſions in ſuch a Time of Danger and Confuſion? Whether the Former who are the Repreſentatives of the People, intimately connected with them, perfectly well acquainted with their Circumſtances, and what was moſt or leaſt oppreſſive and burthenſome to them, ought to be condemned, for perſiſting in granting Money, in ſuch Manner as they thought moſt conducive to the Eaſe and Conveniency of the People, and in ſuch Form as preceding Aſſemblies had ever given it; or the Governor a Stranger in the Province, and to the Things neceſſary for its Welfare, in not accepting it in the Manner that his Predeceſſors had ever done? Whether the Aſſemblies could have juſtified themſelves to their Conſtituents, had they tamely, not to ſay perfidiouſly, ſurrendered up that grand Privilege, the undoubted Right

of a Houſe of Commons, of granting Supplies in any Manner they judge proper; or in permitting the Deputies of private Individuals, Subjects like themſelves, to interfere in the Matter, ſo as arbitarily to direct the Mode, and ſettle the Means of raiſing them; and of aſſuming to themſelves the Diſpoſition of Funds levied on the People only, and to which neither they nor their Principals ever contributed, in Contradiction to that equitable Maxim, *Cujus eſt dare, Ejus eſt Diſponere; he who gives, has the Right of Diſpoſing.* As alſo, whether the Aſſembly are principled againſt giving Money for the Defence and Protection of the Country, or that the Author of theſe Pamphlets hath not, in ſo invidious a Charge, wilfully, and notoriouſly violated Truth, to promote the Schemes of his Patrons.

But to juſtifie the Conduct of the Aſſembly, and to diſplay that of the Governor in its true Light, it will be neceſſary to carry on this Narrative of Tranſactions betwixt them, ſomething further.

On the 17th of *March* then, before the Time of the Aſſembly's adjournment, the Governor again convened them. When he informed them of General *Braddock*'s Arrival in *Virginia*; and that Sir *John St. Clair*, the Quarter-Maſter-General, had repreſented to him

him the Neceſſity of having Roads opened from the ſettled Parts of the Province Weſtward towards the *Ohio*, to facilitate the Marching of Troops and the Supply of Proviſions; and that General *Braddock* had requeſted a Poſt might be eſtabliſhed between *Philadelphia* and *Wincheſter*. All which the Aſſembly proceeded immediately to effectuate, at an Expence of more than £.5000.

Such was the Meſſage ſent down in the Morning; in the Afternoon and next Day, ſeveral others of a very different Nature were preſented, tending to throw all Things in Confuſion, and deſtroy that Harmony which ſhould ever ſubſiſt betwixt the reſpective Branches of the legiſlature; as alſo to withdraw the Attention of the Houſe from Matters of higher Importance. He cenſures the Aſſembly for inſerting Sir *Thomas Robinſon*'s Letter in their Journal, tho' it was the Foundation of their Proceedings, and might become neceſſary for their Juſtification to their Conſtituents; and tho' the Subſtance of that very Letter had been publiſhed many Weeks before, in his Meſſage, in the Common Gazette, by his particular Direction. He moreover Charges the Aſſembly with Secreting their Proceedings from him; and in a very imperious Tone, demands the Attendance of their Clerk every Night with the Mi-

nutes of the Day. And insisted afterwards, that his Secretary should be admitted to inspect the Transactions of that Session before it was ended. The bare Intimation of these Matters are an evident Presage of what the poor Inhabitants of this Province, and their Representatives should feel, were the Schemes of our Proprietaries once accomplish'd.

To these Demands so unprecedented and inflammatory, our Assembly having wisely returned calm and moderate Answers, proceeded to Business of greater Exigency.

* Governor *Shirley* having formed a Design of building a Fort near *Crown-Point*, sent here Mr. *Quincy*, one of the Commissioners of his Government, to solicit our Assistance in Supplies of Provision. Of this the Assembly were informed by the Governors Message of the 24th, and on the 25th came to the following Resolves.

" That the Sum of £.25000 be at this Time given " to the King's Use; and that the same be struck in " Bills of Credit, and sunk by an Extension of the " Excise Act for the further Term of ten Years."

THAT

* Votes, *March* 1755.

" THAT £.5000 Part thereof, be paid into the " Hands of *Iſaac Norris* and others, to diſcharge the " Sum borrowed in Purſuance of the Order of the " Houſe made on the 3d of *January* laſt.

" THAT £.10,000, Part of the ſaid £25000, be laid " out in the Purchaſe of Proviſions, now requeſted by " the Government of the *Maſſachuſets* Bay, to Vic- " tual the Forces about to March for ſecuring his Ma- " jeſty's Territories.

" That £.5000 Part thereof, be paid in Diſcharge " of ſuch Orders as may be drawn on this Province " for the King's Uſe, by the Honorable *Edward* " *Braddock*, Eſq; General of his Majeſty's Forces in " *North-America*.

" THAT £.5000 the Reſidue of the ſaid 25000, be " appropriated towards maintaining ſuch *Indians* in our " Alliance, as have taken or may take Refuge in this " Province; Payment of Poſts or Expreſſes, hire of " Carriages, clearing of Roads, and other neceſſary " and contingent Expences for the King's Service, as " may be incumbent on this Government to diſcharge."

PURSUANT to theſe Reſolves, a Bill was prepared, paſſed the Houſe, and was ſent up to the Governor for his

his Approbation. The Assembly made no doubt, but that the Proprietaries, now become sensible of the State of Desolation to which this once happy Province had been reduced by their Instructions, had empowered the Governor to recede from them. But the Event undeceived them; for, as if they had designedly fixed on this Time of general Distress and Calamity, to impose their Instructions upon the Necks of the Assembly and People, and subjugate them to their Yoke; they permitted them to continue in Force, and their Governor under the Influence of that Bond which he had given to obey them; having detained the Bill therefore for three whole Days, he at length refused his Assent thereto, because he was pleased to imagine it "contrary to his Majesty's Instruction," that very Instruction he had so repeatedly way'd before.

Mr. *Quincy* perceiving from the Governor's Conduct, that no Good could be expected on that Side, having before in vain urged many Arguments, and exerted all his Influence to persuade him to enact this reasonable and necessary Bill into a Law; resolved to try whether he could prevail on the Assembly to grant him the Supplies he wanted, having had apparent Proofs of their Inclination to comply with his Request, as far as in their Power. He accordingly drew up a

Memorial,

Memorial, and preſented it to the Houſe; two Paragraphs of which I here inſert, as they diſcover the Sentiments of that worthy Gentleman, on the Conduct of the Governor, and Aſſembly, with Regard to this Tranſaction, of which he had been an attentive yet impartial and indifferent Spectator.

Gentlemen,

" † I AM extremely ſorry to find that notwithſtanding all the Motives and Arguments, I was able to offer the Lieutenant Governor, he did not ſee his Way clear to give his Conſent to the Money-Bill you have laid before him.

" THE Chearfulneſs with which you therein granted £.10,000 for victualling the Forces intended to march from *New-England*, to ſecure his Majeſty's Territories, leaves me no Room to doubt your Zeal for his Majeſty's Service, or your hearty Concurrence with the Government I have the Honor to repreſent, in the Meaſures now propoſed for our common Safety. And therefore tho' you are *unhappily* diſappointed in the Manner of your Grant, I flatter myſelf you will not fail of finding ſome other Means of rendering it effectual."

THE

† Votes, *April* 1ſt. 1755.

The Assembly well knowing this Design must drop, however glorious or salutary, as utterly impracticable (as this Gentleman had told them) without their Assistance, and being also sensible, that as it was then late in the Season, a Delay might be equally pernicious with a Refusal, were resolved to be trifled with no longer by the Governor, but to grant the Sum requested, without his Concurrence or Co-operation.

The Assembly were, at this Time, by Virtue of several Laws then in Force, which, as hath been observed above, had received the Royal Approbation, possessed of a Right to dispose of the Money arising from the Interest of Bills of Credit emitted on Loan, and the Excise; of the Arrears of this Money there remained due about £. 14000, according to the Governor's own Calculation, which they would instantly have called in, but upon Enquiry into the Circumstances of the Borrowers, they found that an unexpected Exaction of them, would by a Seizure and Sale of the Estates of the Defaulters, in so great a Scarcity of Money, be their certain Ruin. On the Credit of these Arrears, however, they were determined to raise such a Sum of Money as should fully answer the Expectations and Demand of the Government of the *Massachusets* Bay.

And

And thereby put it out of the Governor's Power to prevent their complying with this Request so necessary for the Defence of his Majesty's Colonies. And therefore,

" *Resolved*,

" * THAT the Sum of £.15000 be now given " to the King's Use; £.5000 thereof to repay the " Money borrowed for victualling the King's Troops " in *Virginia*; and that *Isaac Norris*, *Evan Morgan*, " *Joseph Fox*, and *Benjamin Franklin*, Members of " this House, and *Rees Meredith*, *John Mifflin*, and " *Samuel Smith*, Gentlemen, be a Committee to lay " out the remaining £.10,000 in purchasing " and transporting Provisions, now requested by " the Government of the *Massachusets* Bay, to victual the Forces about to March for securing his " Majesty's Territories."

UPON Notice of this Grant, Mr. *Quincy* immediately waited on the House, and expressed his Satisfaction and Gratitude in the following Manner.

MR. SPEAKER,

SIR,

" THE Sum which this honorable Assembly hath

* Votes *April*, 1755.

" granted to his Majeſty's Uſe, and appropriated for
" victualling the Troops intended to be marched
" for ſecuring his Majeſty's Territories, is an In-
" ſtance of your Concern and Zeal for the Public
" Safety, which I doubt not will be highly ac-
" ceptable to his Majeſty. And as it was made in
" Conſequence of my Application to you, I beg
" leave to return you my grateful Senſe and Acknow-
" ledgment, and to aſſure you in the Name and on
" Behalf of the Government I repreſent, that it will
" be duly applied to the Purpoſes for which it was
" granted."

WHAT a large Share of Effrontery, and what a ſmall one of Truth then, muſt the Author of theſe Pamphlets be endued with, to Aſſert roundly as he does, that " 'Tis very plain the Aſſembly have no Mind " to give a ſingle Shilling for the King's Uſe, unleſs " they can thereby increaſe their own Power." And, " That they are againſt the Defence of the Province." All that hath been ſaid above proves the Contrary, as manifeſtly as there's a Poſſibility for Facts to prove it. It there appears, that the Aſſembly having ineffectually eſſayed every Scheme of coming into the Governor's own Terms, Reſolve at laſt to give all the Monies they had in their Diſpoſal, to his Majeſty's

Uſe

Uſe, and by that very Act yielded up the Point, their Opponents by ſo obſtinate a Refuſal of the Supply Bills, had endeavoured to effect, *viz.* The Reduction of thoſe Funds which the Aſſembly had in their Diſpoſal; that, for the Future, they might engroſs the Diſpoſition thereof themſelves, and ſo deprive the People of the Means of Remonſtrating againſt their Arbitrary and oppreſſive Conduct. This hath appeared in Part from what I have already ſaid, and what I ſhall hereafter ſay will put it beyond Diſpute.

The Governor's next Meſſage gave great Aſtoniſhment; he ſeems therein ſtrangely out of Humour with the Aſſembly for granting thoſe Supplies; and much diſturbed that any Thing ſhould be done towards the Defence of *America*, without his Approbation and Concurrence; tho' it had been ſo often requeſted, and ſo often refuſed by him. And in Contradiction to the evident undeniable Teſtimony they had a few Days before given thereof, he even Charges them with a "want of Inclination to Pro-"mote the public Service." With the ſame Juſtice, and the ſame Truth he proceeds to accuſe them of ſundry Tranſactions which he repreſents as heinous and unpardonable Crimes.

First. THAT they had offered him a Bill of an "extraordinary Nature, as it gave General *Braddock* "a Power over no more than £.5000, and subjected "the remaining £.20000, and all the Surplus of the "Exciſe, to the Diſpoſition of ſome of the Mem-"bers of the Houſe, and to the Aſſembly for the "Time being.

"*Secondly.* THAT to promote their Schemes of "future Independency, they are graſping at the Diſ-"poſition of all public Money, and at the Power "of filling all the Offices of Government, eſpecially "thoſe of the Revenue."

"*Thirdly.* THAT by a Vote of the Houſe, and "without the Conſent of the Government, they had "empowered a Committee of their Members, to "borrow Money on the Credit of the Aſſembly, "and to diſpoſe of the ſame to certain Uſes in that "Vote mentioned." And

"*Fourthly.* THAT they had by Votes and "Reſolves of the Houſe, created Bills or Notes of "Credit, made payable to the Bearer thereof to the "Amount of £.15000, without the Approbation of "the Government."

ODIOUS

Odious and bold as these Charges are, they are all fully refuted by the Assembly's Message of the 17th of *May*; of which I shall here present the Reader with a Kind of Abridgment; tho' for his further Conviction I would refer him to the Message itself.

The first Charge then, is a gross misrepresentation of the Bill, as appears from the preceding Resolves of the House, in Conformity to which it was framed. It was exactly similar to the Bill passed by Governor *Thomas*, shortly after he received the Royal Instruction, and which was confirmed by the King and Council. In this indeed, it was "Extraordinary" that it gave the largest Sum to the King's Use that had been offered, tho' they had granted £.15000, a few Days before; and also, that it sunk £.25000 in the same Time that was allowed for sinking £.5000, in the late War. The Charge "that it gave General *Braddock* Power "over no more than £.5000, and that it subjected the "remaining £.20000 to the Disposition of some of "the Members of the House," had in it an equal Degree of Calumny and Falshood. For by the very Bill it appears, that £.5000 were appropriated to the Payment of Provisions which had been bought by the General's Orders; £.5000 more were subjected to his Orders; £.10,000 for purchasing Provisions

for

for the *New-England* Forces; and the Reſiduary £.5000 for the Payment of Expreſſes, clearing of Roads, Subſiſtence of *Indians* who ſhould take Refuge within this Province, and other contingent Expences for the King's Service. Hence it appears that £.20000 thereof were actually appropriated to the Uſe of the Troops under the General's Command, and the Reſidue for the King's Service. All then that remained for the Members of the Houſe was, the generous Office of laying it out, without Commiſſion or Reward. What unfavorable Ideas therefore muſt the Reader have of that Man's Veracity and Honor, who was capable of falſifying and miſrepreſenting Facts, and calumniating one of the Branches of the Legiſlature, with ſo little Scruple!

The ſecond Charge is as invidious as groundleſs. The Aſſembly, as before is ſaid, have a Right to diſpoſe of the Money ariſing from the Loan-Office and Exciſe, by Virtue of Laws approved of by the King and Council; and to ſay that they *graſp* at what they already enjoy, is a glaring Abſurdity. They never attempted to fill any Office but what they were empowered to do by an expreſs Law, approved of by the Crown. If claiming a Right which the Aſſemblies of this Province have ever enjoyed, to diſpoſe of Money raiſed

out of the People's Eſtates, independent of the Proprietaries or their Deputies; of appointing Officers to collect thoſe Monies and take Care of them when collected; if inſiſting on the right of granting Supplies to the Crown, and of limiting ſuch Grants as to the Manner, Matter, Meaſure, and Time, as an eſſential Part of their Conſtitution: If to reſtrain the Governor from invading the priviledges of the Houſe, in having their Money-Bills paſſed without Amendments; if theſe Things deſerve the Names, "of "promoting a Scheme of future Independency, "and of graſping at the Diſpoſition of all Public "Money, and a Power of filling all Offices of Go-"vernment," then, indeed, theſe Accuſations againſt the Aſſembly are juſt. On the contrary; if it appears that theſe are extravagant, illegal, and unconſtitutional Claims on the Part of the Governor, every Perſon who has the leaſt Notion of Equity, muſt approve of the Aſſembly's Conduct in inſiſting on their Right, eſtabliſhed by Laws confirmed by the Crown, to appropriate and diſpoſe of thoſe Funds, to which the Proprietaries and their Deputies have ever been exempted from contributing; eſpecially when it is conſidered, that ſuch was the Juſtice of the Houſe, as not to heſitate a Moment to allow the Governor a Negative

gative on the £.60,000 granted to his Majesty's Use, to which the Proprietaries had contributed a twelfth Part only.

A LITTLE Explanation will quite invalidate the 3d, and 4th Charges. I have before mentioned, that the Right to dispose of the Interest-Money and Excise was vested in the Assembly. This Money when collected was deposited in the Hands of the Treasurer and Trustees of the Loan Office; where it remained subject to the Orders of the House, whenever the incidental Charges of Government required. The Arrears of the Excise and Interest of the Loan Office, *that were now due*, could not be suddenly collected without ruining the Defaulters. Of this the Governor was informed, when he computed the Sum these Monies would amount to, and urged the Assembly to grant Supplies out of them. However upon the Credit of this Fund, the Assembly, when they found all their offers of Money in Compliance with the Royal Orders had been rejected, voted £.5000 to purchase Provisions for the Forces under General *Braddock*, which were immediately bought and sent to *Virginia*. And also gave £.10,000 more for supplying the *New-England* Forces; appointed a Committee to lay it out, and gave them

Power

Power to draw Orders, as uſual, on the Treaſury and Truſtees, with this Difference only, that as former Orders were payable on Sight, and bore no Intereſt, theſe were payable in a Year with Intereſt, it being impoſſible to collect the Money with Conveniency to the People in leſs Time. Upon the Matter thus impartially explained, it is obſervable, *Firſt*, that the Aſſembly having the ſole Diſpoſition of this Money, by Laws finally confirmed by the Royal Approbation, had an undoubted Right to draw Orders on the Treaſurer and Truſtees, in any Manner, and payable at any Time, and of granting it to his Majeſty's Uſe, whenever they thought proper, without the Governor's Approbation. And therefore his Cenſure was as unjuſt, as his Claim was illegal and arbitrary. *Secondly*, That the Governor, on his arrival, when the Aſſembly, under the Powers theſe Laws gave them, preſented him with an Order drawn on the Treaſury for £.500, payable to him on Sight out of theſe very Funds, was ſo far from diſputing their Power, that he thankfully received it. But as ſoon as the Aſſembly had given £.15000 in the ſame Manner and from the ſame Fountain, to the King's Uſe, he controverts their Authority; and indeed, upon a general Survey of his Conduct, it appears too evident that his Deſign was to oppoſe the Public Service in every Way he could

 think

think of. And *Thirdly.* That if our Proprietaries and Governor have ſo little Regard to Juſtice, and the Laws of this Government approved of by his Majeſty in Council, at preſent, while we have ſome Remains of Liberty left, what may not the unfortunate People of this Province dread, if ever Proprietary Inſtructions ſhould become a Part of their Conſtitution, and the Diſpoſition of the Funds raiſed on the People only, together with the Power of directing them, be wreſted out of the Hands of the Aſſembly? Then would the Schemes of this Writer and his Party be fully accompliſhed; all further Settlement of this Colony would be obſtructed; it would be impoveriſhed, oppreſſed, and finally depopulated.

But how ſhall we reconcile the pathetic Calls, and loud Demands of the Governor for Supplies for his Majeſty's Service, with this Extraordinary Part of his Conduct? In his Meſſage *December* 24th, 1754, he points out theſe very Funds to the Houſe, and inſiſts that they grant the Supplies requeſted, out of them. When they had complied with this Requeſt in the only Way poſſible, he changes at once, and charges the very Act he had before recommended to them, as highly criminal. Does a Conduct like this, ſo irritating and contradictory, indicate any Inclination to obey his

Majeſty's

Majeſty's Orders, or beſpeak a Deſire to promote the general Defence of *America*, * or that of his own particular Province? Can ſuch trifling Pretences, ſuch frivolous Reaſons, juſtifie his Oppoſition to the Money Bills, and Supplies granted to his Majeſty? Can they recommend him to his Majeſty's gracious Favour? Or do they not plainly evince that his Majeſty's Service was the leaſt of his Concern? That he was determined to oppoſe it in *all Shapes*, unleſs he could render it ſubſervient and inſtrumental, to effectuate the Schemes of Power his Maſters have in View? And "that he would not" (as he once ſolemnly declared when the Frontiers were bleeding, and Multitudes flocking down to him for Protection) "recede one Tittle from his Proprie-"tary Inſtructions, were it to ſave Forty ſuch Provin-"ces as this from impending Deſtruction."

HAVING thus refuted ſuch a Number of unjuſt Charges contained in theſe Pamphlets, and the Governor's Meſſages, I think, I may with Safety, appeal to the Reader, whether there was the leaſt Reaſon, from the general Tenor of his Behaviour, to doubt the Truth of his unparallel'd Declaration? But when we who have been the unfortunate Witneſſes of his Conduct, and felt the Melancholy and Diſtreſſing Effects thereof, conſider the indefatigable Pains he has taken in his Meſ-

* B. V. p. 10.

ſages (which he has from Time to Time tranſmitted to *England*) to diſguiſe the true Situation of this Province and its Laws, and to transform the beſt Actions of the Aſſembly into Crimes; the many Letters he hath wrote to the Miniſtry, to render the Inhabitants odious to his Majeſty, and to alienate his Affections from a People who eſteem it the moſt valuable Bleſſing in Life; and to incenſe the *Britiſh* Nation againſt them; we cannot (as the Aſſembly told him) look on him as a Friend to the Conſtitution, or as a Perſon proper to be entruſted with the Diſpoſition and Appropriation of Public Funds, or of any other Privilege the People enjoy.

The Aſſembly being again ſummoned on the 13th of *June*, the Governor called upon them to ſupply General *Braddock* with Cannon, Proviſions, and Stores to Garriſon the Forts on the *Ohio*, in Caſe he ſhould prove ſucceſsful, and told them in the moſt pathetic Terms, as if he really had intended to concur in paſſing reaſonable Bills for the Purpoſe, "that the "great Expence the Nation was at on that Occaſion "would be thrown away, his Majeſty's Intentions ren-"dered abortive, and his Arms diſhonoured, if the "Countries the Generals ſhould recover are loſt thro' "the neglect of the Colonies." The Houſe having exhauſted

exhauſted their Treaſury by the late Gift of £.15000, had now no Funds left in their Power, but were determined to offer the Governor a Bill, to which he could have no juſt Objection. They therefore framed one, the exact Copy of the Law paſſed by Governor *Thomas* for giving £.5000 to the King's Uſe, in the Year 1746, ſhortly after he had received the Royal Inſtruction ſo often mentioned before; which Law had been confirmed by the King in Council *October* 28th, 1748. This Act of the Royal Confirmation was ever disbeliev'd and denied by the Governor; and the Aſſembly, tho' they wanted no Proof to ſatisfy *themſelves* thereof, having ſeen the Original, yet, it being miſlaid, could not convince the *Governor* of what they had ſo often aſſerted. But it being now found by Accident, they ſent it up, with no ſmall Degree of Pleaſure, not doubting but he would think himſelf juſtifiable in paſſing the Bill, when he was convinced that a Law, litterally the ſame, had been paſſed by his Predeceſſor without Cenſure, and had received the Royal Aſſent, and that the Diſpute reſpecting the Royal Inſtruction had been determined by a Deciſion of the higheſt Authority. But regardleſs of the Public Good, unmoved at the Diſtreſs he could ſo well deſcribe, deſtitute of the leaſt Reſpect for his Majeſty's Orders, and *ſolely attentive to his Proprietary Inſtructions*, inſtead of aſſenting to

the

the Bill without Amendments, he alter'd it ſo as to make it agreeable to his Proprietary Orders, but directly inconſiſtent with what his Majeſty had before approved of, as well as with the Liberties of the People; and to theſe Amendments he pertinaciouſly adher'd. Thus again were the good Deſigns of the People unhappily and iniquitouſly fruſtrated.

A MOST melancholy Scene now enſued. An Expreſs arrived with Intelligence of General *Braddock*'s Defeat and Death; the Slaughter of his Army; the Loſs of many of his beſt Officers, together with his fine Train of Artillery, and to compleat the whole, of Colonel *Dunbar*'s precipitate Retreat with the Remainder of his Men from the Frontiers, and the dreadful Expectation of a Savage mercileſs Enemy to commit their horrid Butcheries on the poor Inhabitants. The Governor once more ſolicited the Aſſembly in his uſual *ſpecious* Manner, to concert ſome Meaſures to defend the Country, which might not revive the old Diſputes, but to join heartily with the neighbouring Provinces for our Common Safety.

THE Aſſembly truly ſenſible of the Danger to which the Country lay expoſed, and deeply affected with the Calamities impending over the People, were determined to wave their Privileges for the preſent, and to

take

take a different Method in raiſing a Sum of Money for our Defence; a Method ſo equitable in its Nature that they could not even ſuſpect it would meet with the leaſt Oppoſition from the Governor. They immediately reſolved to grant £. 50,000 to the King's Uſe, to be raiſed by a Tax of *Twelve Pence* in the Pound, and *Twenty Shillings* per Head, for two Years on all Eſtates Real and Perſonal, and all Taxables within this Province. And accordingly, prepared a Bill with great Expedition, and ſent it up to the Governor for his Approbation; attended with a Meſſage, expreſſing their juſt Senſe of our melancholy Situation, their Readineſs to exert themſelves farther in the Service of their Country, and that they would be neither parſimonious in their Supplies, nor tenacious of their old Diſputes. But the Governor not yet fatigued with Controverſy, and unmov'd at the dark and threatning Cloud that hung over the Province, in which he had no Intereſt, among many other Amendments in the Bill, of a more trifling Nature, inſiſted on a total Exemption of the Proprietaries large and exorbitant Eſtate; which, upon a due Collection of his Quit-Rents, Ground-Rents, Rents of his Manors and other appropriated and ſettled Lands, would amount to £. 30,000 *per Annum*. And having, previous to this, underſtood that the Proprietary Eſtate

was

was to be Taxed in common with others, that he might have ſome Pretence for ſo unreaſonable an Amendment he offered a Quantity of Lands Weſt of the *Alleghany* Mountains, *then in the actual Poſſeſſion of the Enemy*, as an additional Encouragement for ſuch Perſons as ſhould engage in an Expedition, from this and the neighbouring Provinces, to remove the *French* from the *Ohio*. Had not this Offer been a mere Fineſſe, why was it not made before, when Men were ſo much wanted to fill up the Levies under General *Braddock*, or to aſſiſt Col. *Waſhington* before his Defeat, or at other Times of equal Neceſſity? The Reaſons are given by our ſagacious Author in his Sequel. And they are theſe, *Firſt*. That the Governor, "when the Expedition was carrying on by the Crown, "under General *Braddock*, could not think it either "ſeaſonable or neceſſary." How! not ſeaſonable to encourage an Expedition proſecuted by the Crown, at this Time, tho' in his Meſſage of the 19th of *June*, he had declared, that Men were not only neceſſary, "to ſerve as Eſcorts, but to join the General, "if the Number brought againſt him ſhould make "ſuch a Reinforcement *neceſſary*?" This Contradiction between our Governor and his Vindicator, is reconcileable by one of theſe two Concluſions only, either that the Intimacy betwixt them was ſuch that his

his Vindicator knew the Governor's Thoughts better than he himſelf did, or that the Governor ſpoke one Thing to the Aſſembly, and another to him. Nor was it reaſonable to expect that the Governor could think it neceſſary, becauſe he hoped that the Bu- " ſineſs, viz. *the Preſervation of the Proprietaries* " *enormous Eſtate*, " would be accompliſhed by his " Majeſty's Troops, at the Expence of the *Bri-* " *tiſh* Nation." And *Secondly*, Becauſe it was expected that the Aſſembly would be ſo much diſmayed, ſhould the General prove unſucceſsful, as to ſurrender even their own and Conſtituents Liberties and Properties, by raiſing Funds to protect the Proprietary Eſtates, agreeable to their own Inſtructions, without their Contribution. But being diſappointed in theſe Expectations, he ventured to offer it; becauſe, † " if " the Aſſembly refuſed to co-operate with the Crown, " and raiſe the Men demanded of them, as being " contrary to their Principles, the Governor was cer- " tain that they would never concur with the Propri- " taries in any Scheme of the like Nature." And therefore, altho' he had no kind of Authority from the Proprietaries, to make ſuch a Propoſal, as I ſhall immediately evince, yet he thought he might ſafely

† B. S.

do it, in Order to raiſe a Clamour againſt the Aſſembly, for attempting to Tax the Eſtates of Perſons who had offered ſo *generouſly*.

This offer being made, and inſtantly publiſhed in the weekly Gazette, the Governor, in his Meſſage of the 6th of *Auguſt*, aſſign'd his Reaſons for ſo *juſt* and *equitable* an Exemption of the Proprietary Eſtate from the general Tax. The firſt was founded on a Proviſo in his Commiſſion, "that nothing therein "contained ſhall extend, or be conſtrued, to give him "Power to do, or conſent to any Act, whereby, the E-"ſtate or Property of the Proprietaries may be *hurt* or "*incumbered*." That this Proviſo was "not only "a Prohibition to him, but any Law he might paſs "contrary thereto, he imagined would be void in "itſelf." Any Perſon even of common Capacity, cannot be at a Loſs to know the Import of the Words, *hurt* or *incumbered*. They could only be intended to prevent the Governor (who had a Power of ſelling and granting the Proprietary Lands on certain Conditions) from mortgaging, ſuffering Judgments againſt, or impoſing any other ſuch like Incumbrances upon their Eſtates. For it cannot with any Propriety be called an Injury to, or Incumbrance on any Eſtate, to give a Part, and even that a ſmall

one,

one, to ſave the whole from the Encroachments of a ravaging Enemy. Nor could the Proprietaries without extreme Abſurdity, entertain any ſuch Idea of the Words, when they granted the Commiſſion.

Upon comparing this frivolous Reaſon of the Governor's with his late offer of Lands, the Aſſembly were much ſurprized; as they could not conceive, how he was able to conſtrue thoſe Words, into a Prohibition from conſenting to a Bill, which only impoſed an equitable Tax on the Proprietaries Eſtate, for its immediate Defence, and yet leaving him at Liberty to give away ſix or ſeven Hundred Thouſand Acres of it. They inſpected his Commiſſion, but ſo far were they from finding any Authority there for this Grant, that they met with an expreſs Prohibition to the Contrary; *viz.* "Not to Set, Let, Leaſe "out, Grant, Demiſe, or Diſpoſe of any Lands "Tenements, *&c.* or to intermeddle or concern himſelf therewith, or any Part of the Property thereof." Is it not ſtrange, that the Governor, notwithſtanding ſo expreſs and full a Prohibition, ſhould think himſelf more at Liberty, to grant ſuch a Quantity of the Proprietary Eſtate, than to conſent to a Tax on it?

If he thought the Proprietaries would approve † in the former Caſe, why not in the latter? If the grant of Land contrary to this Prohibition would be valid, why not the Law paſſed for laying the Tax? And how a Tax on Part of an Eſtate can be ſaid to encumber it, more than giving ſix or ſeven Hundred Thouſand Acres of it away, ſeemed to them very ſtrange and unaccountable.

This Argument of the Governor, founded on his Commiſſion, being ſo fully expoſed, he weakly takes Refuge under his Commiſſion of Property; and replies in the following ſelf-ſufficient and remarkable Manner. "It is ſomething very extraordinary, that "the Repreſentative Body of *Pennſylvania* ſhould "know ſo little of the Affairs of this Province, as "never to have been informed, that the Governor "grants the Proprietary Lands, under a certain Power "of Attorney, regularly proved and recorded, called "a Commiſſion of Property." It had been happy for the Governor had he been as well acquainted with the Contents of that "certain Power of At-"torney" as the Aſſembly were. None will deny that it was his Duty ſo to be. Had he, he never would have

† *Auguſt* 8, 1758.

have rendered himſelf ſo abſurdly ridiculous, as to have founded his Authority for making this offer, on ſo defective a Power. He muſt have forgot the Contents of this Commiſſion; or, indeed, common Charity would rather induce me to conclude he had never read it at all. For certainly had he read it, as he well knew it was recorded, and might be procured by the Aſſembly, whatever Influence Candor might have had upon him, yet even common Senſe, and a Regard for his own Reputation would have forbad him, to mention this Commiſſion as his Authority. For upon inſpecting it, we find a more clear and expreſs Prohibition, if poſſible, than was contained in his Commiſſion as Governor. The Words are, "and "alſo by Warrants to be iſſued as aforeſaid, to grant "to any Perſon or Perſons, who ſhall apply for the "ſame, and to their Heirs and Aſſigns for ever, any "vacant Lands, within the ſaid Province, and Coun-"ties, or any of them, upon, by, or under the ſame "Terms, Methods, Rents, and Reſervations as have "of late been uſed or practiſed, in the ſaid Office, "but for *no leſs Price, Condition, Rent, or Reſerva-"tion* in any Wiſe. That is for £.15. 10*s.* "*per* 100 Acres Purchaſe Money, and 4*s.* 2*d.* Sterling "Quit-Rents." This Prohibition being ſo very plain,

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the Aſſembly in their Meſſage of the 19th of *Auguſt*, asked the Governor with great Juſtneſs of Argument, " How he could think that Lands could be granted " away, without any Purchaſe Money, and free of " Quit-Rents, for 15 Years, under the Powers of a " Commiſſion, which expreſly forbids the granting " of any, under leſs *Price*, *Condition*, *Rent*, *or Reſer-* " *vation whatſoever*, than has of late been uſed and " practiſed in the Land-Office? How he could think " of referring the Aſſembly to ſuch a Commiſſion, " for his Power to make ſuch a Grant, when it was " not there? How he could ſlight his Reputation ſo " much, as to hazard ſuch an Impoſition on the Aſſem- " bly and the whole Province? One ſo eaſily de- " tected?"

Upon the Matter thus fairly ſtated, from the Meſſages of the two Branches of the Legiſlature, reſpecting this offer of Part of the Proprietary Lands, I appeal to every impartial Perſon, whether the Aſſembly deviated from Truth, where (as the Author of the Pamphlets has it) they tell the Governor " that it " was a mean Illuſion and Impoſture. " that he had no " Authority to make ſuch an offer, and that it was in- " tended firſt to impoſe on the Aſſembly, and then on " the People; and likewiſe to figure with at Home in " the Eyes of the Miniſtry." The

The first Reason assigned by the Governor and the Writer in Question, in Support of an Exemption of this exorbitant Estate, is another Demonstration, of the large Strides which the Proprietaries are making, towards a Conversion of the Present Frame of Government, which resembles the *English* Constitution nearer than any other Proprietary Colony, into mere Tyranny. They contend, "that all Governors whether hereditary or "otherwise, are, from the Nature of their Offices, "exempt from the Payment of Taxes." But how weak and absurd must this Reason appear, when it is considered that the Assembly did not Tax the Proprietaries as Governors, but as Fellow Subjects, Landholders, and Possessors of Estates in the Province. Estates that would receive more immediate Benefit from the Tax, than any other in the Colony, for Part of it was at that very Time in the actual Possession of the Enemy. That the Proprietaries did not govern them, and that the Province supported a Lieutenant to do that Duty for them, by a large Revenue arising from Licences and other Fees and Perquisites. But had the Proprietaries governed in their proper Persons, no Shadow of Reason could be offered to exempt them from an equal Tax, as Landholders, for the Protection and Security of that Land. Is there any Thing, in the Nature of the Office of our Governors, that can reasonably entitle them

to

to an Exemption from Taxes, which the King himſelf never claimed? Does not every Land-Tax Act of Parliament which obliges the King's Tenants to pay the Poundage, empower them to deduct the ſame out of their Rents? And oblige the Receivers of his Majeſty's Rents, under ſome Penalties, to allow of ſuch Deductions? Are not the Palaces of St. *James's*, *Whitehall*, *Windſor-Caſtle*, and *Somerſet-Houſe* ſubjected to the Land Tax by numerous Acts of Parliament? How then cou'd the Governor think himſelf juſtifiable, in claiming, at a Time of the greateſt Diſtreſs which the People had ever experienced, an Exemption from Taxes on Behalf of his Principals, which the King himſelf never pretended to; an Exemption which excluded their own Eſtate from bearing Part of the Burthen of defending it.

But this (as the Aſſembly informed the Governor) is not the firſt Inſtance by many, in which Proprietaries and Governors of Petty Colonies have aſſumed to themſelves greater Powers, Privileges, Immunities, and Prerogatives than were claimed by their Royal Maſter.

† The ſecond Reaſon aſſigned is "that this Exemption

† Governor's Meſſage, *Auguſt* 6, 1755.

" emption arising from the Nature of Government " is enforced by a positive Law in this Province, which " expresly declares, that the proper Estates of the " Proprietaries shall not be liable to Rates or Taxes." But all this is Deception. The Law hinted at is intitled, † a Law for raising County Rates and Levies, and is confined to the common Affairs and Exigencies of the several Counties, such as Building Bridges, clearing Roads, erecting Court-Houses, and for Payment of Assembly-men's Wages, and Rewards for killing Crows, *&c.*, with other Things for the People's immediate Benefit; and is far from being what the Governor represented it, a general Constitutional Law of the Province, relating to Provincial Taxes, imposed for the Advantage of the Proprietaries as well as People. This being a particular Law, confined to special Purposes therein mentioned, by which the Proprietaries were by no Means benefited, it would have been as unreasonable to have taxed their Estate for those Purposes, as it is to exempt it from bearing a Part of the Burthen of defending itself, when every other *British* Subject contributes thereto.

* The Governor's next Reason for refusing this large Supply was, " that the Proprietaries by their Go-

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* Geo. I. 2d.

† Governor's Message, *August* 6, 1755.

" vernor having conſented to a Law for veſting in the " People the ſole choice of Perſons to aſſeſs, and lay " Taxes in the ſeveral Counties, without reſerving to " themſelves or their Governor, any Negative on ſuch " Choice, and this Conceſſion being made with an " expreſs Proviſo, that the Proprietary Eſtate ſhould " not be taxed, it will be very unreaſonable to em- " power ſuch Perſons by Law, without their previous " Conſent, to Tax their Eſtate at *Diſcretion*." But this Law related only to County Debts, and the Duty of Commiſſioners and Aſſeſſors. It could therefore be no Conceſſion in the Proprietary, to permit them to be choſen by the People only. Nor was their Eſtates to be taxed at the *Diſcretion* of the Aſſeſſors, as the Governor would inſinuate. But their Power was expreſſly confined within moderate Bounds by the Law, and they were obliged before they could enter on their Duty, to take an Oath, or affirmation, " equally and " impartially to aſſeſs themſelves and all others, and " to ſpare no Perſon for Favour or Affection, nor " grieve any for Hatred or Ill-Will." Hence it appears that the Proprietaries had little Reaſon, to fear any Kind of Injuſtice, from an Aſſeſſment of their Eſtate, under this equal Law. But nothing leſs than a Negative on the Choice of the Aſſeſſors, would ſatisfy them, tho' their Share might not amount to one hundreth

dredth Part of the Sum to be raiſed. But to leave the Equity of the Matter, let us take a View of our Mother Conſtitution, and the Practice of the Houſe of Commons. It is a ſettled Point, that none of the Lords either do, or have a Right to vote for Members of the Houſe of Commons; and yet they continually ſubmit their Eſtates to be Taxed by that Houſe, and aſſeſſed by the common Aſſeſſors, in the choice of whom they have no Voice. It appears from the Votes of the Houſe of Commons, that the Lords have attempted to obtain a Right of appointing Perſons to aſſeſs their own Eſtates, and that ſuch Attempt has been rejected by the Commons as unconſtitutional, and as ſuch given up by the Lords. In the Year 1692, the Lords propoſed an Amendment in a Money Bill, ſimilar to that under Conſideration, *viz.* that the Eſtates of all the Peers ſhould be rated by *Thomas* Earl of *Pembroke* and other Lords; but on it's being returned to the Commons, they refuſed to admit of the Amendment, and adhered to the Bill. Whereupon, a Conference was requeſted by the Commons, and agreed to by the Lords; and upon the Debate, the Attorney-General reported to the Houſe, that the Lords did not inſiſt on the Proviſo. Thus it appears to be a Fundamental Right of the Commons, to Tax all the Eſtates in the Realm by a Bill, the whole of which the Lords muſt

either reject or approve; and that they who contribute so largely to the Public Funds, think their Estates sufficiently secure, under the Assessment of Persons chosen by that House, who have taken an Oath for the Discharge of their Duty. The Truth in short is, our Proprietaries would have their Estates protected, and yet would unreasonably be exempted from contributing towards its Protection; and thus the Defence thereof becomes an additional Weight to the Taxes of our Mother Country, and the other Colonies in *America*. However, notwithstanding these Objections to the Bill contained in them so little Reason, yet the Governor ventured to refuse this large Supply, and sent down the Bill with a Negative: Whereupon the Assembly Adjourned.

During this dispute betwixt the two Branches of the Legislature, respecting the Right and Equity of Taxing the Proprietary Estate, we received Intelligence from the Back Parts of the Province, of what we daily expected and much dreaded. That a Party of *French* and *Indians* had made an Incursion on some of the Settlements near the *Susquehannah*, killed a Number of the Inhabitants, and taken others Prisoners. That a large Body were moving towards the more settled Parts of the Province; and that the *Shawanese* and *Dela-*

wares had deſerted the *Engliſh*, and engaged to aſſiſt the *French* againſt us. And this was done in Expectation of being reſtored to the Country, which they contend had been taken from them by Fraud, and without any Conſideration.

The Aſſembly, as all ſeemed now at Stake, again gave Demonſtration of their Love to their Country, and of their Deſire to defend it. A Bill for granting £.60,000 to the King's Uſe, was prepared and paſſed the Houſe; in the Framing of this Bill, to avoid any further Diſpute with the Governor, they admitted all the Amendments he had made in the Bill he had lately rejected, ſave that for totally exempting the Proprietary Eſtate; and inſerted a Clauſe by which the Right to that Exemption was entirely ſubmitted to his Majeſty's Royal Determination: The Aſſembly could not conceive that the Governor would have the hardineſs to reject an offer ſo equitable, at a Time when the extreme Diſtreſs of our Frontiers had made Supplies for their Protection ſo neceſſary. What had he to fear from it? If their Exemption be founded on one of the "juſt Rights of Government," as he inſiſted, thoſe "juſt Rights" are well underſtood by his Majeſty and Miniſtry. The Proprietaries were on the very Spot where the Determination was to be had, and might

make

make thoſe *juſt Rights* appear, if there were any. And tho' they happened not to be there, moſt certainly, they might ſafely confide in his Majeſty's known Wiſdom and Juſtice, for the Preſervation of their Rights. However, the Governor, it ſeems, thought it not prudent to repoſe ſuch a Confidence in his Majeſty; but rejected ſo candid an offer, and refuſed the Bill in the following ſhort and evaſive Manner. "I ſhall not "enter into the Diſpute whether the Proprietaries "ought to be taxed or not, 'tis ſufficient for me that "they have given me no Power in that Caſe."

In this Situation what could the Aſſembly do! On the one Hand, they ſaw that if they acceded to the Governors Amendments and Meaſures, they would be juſtly chargeable with the moſt flagrant Breach of Truſt, in ſurrendering up irretrievably the ſacred Rights and Liberties of the People; with intailing on themſelves and their Poſterity, Poverty and Vaſſalage for ever. On the other Hand, they ſaw a ſavage blood-thirſty Enemy butchering their Fellow Subjects. They had preſented many Bills granting Supplies to the Crown, of very different Kinds, which were all rejected on the moſt groundleſs Pretences. Some for not being conſonant to obſolete Royal Inſtructions, which were occaſionally ſent over to a former Gover-

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nor, tho' that Governor, after his Receipt of them, had paſſed an Act of the ſame Tenor, which had been approved of by his Majeſty. Some, for being contrary to the ſuppoſed Spirit of an Act of Parliament, tho' the Act itſelf did not extend to this Colony, but was made for the Eaſtern Colonies only. Others, for being, as was affirmed, of an "extraordinary Nature," tho' ſupported by Precedents either of our Mother Conſtitution, or of this particular Province. And another, becauſe the Proprietary Eſtate was taxed in Common with the Eſtates of the reſt of his Majeſty's Subjects, for its own Protection. All this, in my Opinion, amounts to Demonſtration, that unleſs they would conſent to grant Supplies in any Manner, which the Governor, influenced by his Inſtructions, ſhould direct, none would be accepted. And that nothing would ſatisfy our Proprietaries, but a Reduction of our Aſſemblies, to a Level with the *French* Parliament, incapable of making any Laws but by Direction, and diſallowed every Power but the vain Power of regiſtring the Edicts of their Monarch. However, in a Dilemma ſo critical as this, our Aſſembly acted as became BRITONS: * They declared, "that thoſe "who

* Meſſage of Aſſ.

" who would give up eſſential Liberty to purchaſe " temporary Safety, deſerv'd neither Liberty nor Safety." They determined to hold out to the laſt, and cleave to the wreck of their Liberties, whilſt any of its Parts exiſted, and to expire with them.

This Reſolution diſmayed not the Governor; obſtinate as the Aſſembly was in the Cauſe of Liberty, he was yet determined to break them to the Yoke of Proprietary Inſtructions. He conſidered that Matters were now brought to ſuch an Iſſue, that the Aſſembly could no longer of themſelves grant Supplies for the Protection of the Inhabitants, their Funds being quite emptied. He ſaw a Spirit of Faction and Diſcontent at the public Meaſures prevail among the People; that a Storm was collecting, which muſt burſt ſomewhere. He found that the Aſſembly were not to be terrified out of their Rights and Privileges, either by the Menaces of their Governor, or by the Incurſions of their ſavage Foes; and therefore reſolved to try another Expedient to effectuate his Deſigns. His Confidents, and peculiar Intimates, wrote Letters into the ſeveral Counties, to his Partizans and Dependants, condemning the Conduct of the Aſſembly, extolling the Governors Meaſures, and enjoining them to ſend down the People in Multitudes,

to

to insist that the Assembly should give up the Points contended for, and grant Supplies on the Governor's own Terms. Accordingly, about 200 came down with one *Hambright*, a Tavern-keeper, and others of that Business, who hold their Licences under the Governor, at their Head. Immediately on their Arrival, the Governor's Faction dispersed amongst them, and, by every Art in their Power, maliciously endeavoured to inflame their Minds against the Assembly. The fatal Consequences, which might, with great Probability, attend such tumultuous Proceedings, gave dreadful apprehensions to the more moderate and reputable Inhabitants of the City; they laboured to appease them; gave a fair and impartial Representation of the Assembly's Conduct; pointed out the mischievous Effects of their Behaviour to this misled Mob of People, and in the End were happy enough to undeceive them. They promised to behave with Decency towards both Branches of the Legislature, and the next Morning waited on the Governor, who, suspecting them to be undeceived, and that the Storm which his Party had raised, might burst on his own Head, thought it good Policy, after having passed some Encomiums on his own Administration, and Readiness to protect them, to produce a Letter from the Proprietaries, giving £.5000 towards their Defence.

Having left the Governor they waited on the Aſſembly, and being admitted, were asked by the Speaker "whether they deſired that the Houſe ſhould give up "any Rights, which, in the Opinion of the Houſe, "they were entitled to." They anſwered in the Negative; adding, "that they were far from requiring "any Thing of the Kind. That all they warted was "to accommodate Matters ſo that the Province might "be defended." And not as the Author of the Pamphlets falſely and abſurdly affirms, "that they did "not underſtand what Liberties they had to give up "when their Lives were every Hour in Danger."

The Governor being thus again diſappointed, laid before the Houſe the Proprietaries offer of £.5000. Upon which, the Aſſembly immediately prepared a new Bill, granting £.55000 to his Majeſty's Uſe, to be raiſed by a general Tax, on the People's Eſtates only, exempting the Proprietaries, in Conſideration of this Gift. Thus the Storm for the Preſent blew over, and a large Supply was granted for our Protection. The Monies were to be laid out by certain Commiſſioners appointed by the Bill; ſome of them, of the Governor's Council, others of the Aſſembly, the Governor having a Negative upon ſuch Diſpoſitions, as the Proprietaries Repreſentative. With

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this Supply " a Chain of Forts and Block-Houſes, " extending from the River *Delaware* along the *Kittatinny* Hills to the *Maryland* Line, was erected. " They are ſituated at convenient Diſtances from each " other, and at the moſt important Paſſes through " the Mountains, and garriſoned with Companies, all " in the Pay of the Province, from 75 to 25 Men " each, according to the Situation and Importance of " the Place." The Inhabitants were furniſhed with Arms and Ammunition, and the Frontiers, from the moſt naked State, put into a proper Poſture of Defence.

But ſuch were the Neceſſities of the Province at that Time, that this Money melted apace, and was ſoon expended; all but the £.5000 expected from the Proprietaries; which may eaſily be accounted for, as they did not think the Emergency ſo great as to require the Payment thereof, agreeable to their Engagement. However, a further Sum of Money was abſolutely neceſſary. Without it, the Soldiers in Pay of the Province could not be ſubſiſted; and without them, the Garriſons could not be maintained, but muſt be either deſtroyed, or fall into the Enemy's Hands. The Aſſembly foreſeeing theſe Miſchiefs did with their uſual Chearfulneſs and Expedition, pre

pare a Bill for granting £.40,000 to the King's Uſe, for the aforeſaid Purpoſes, to be raiſed by a general Tax on all Eſtates in the Province. But the Proprietaries were ſo far from receding from their unjuſt Claim of Exemption from the general Tax, that they ſent over Inſtructions reſtraining the Governor, as he ſaid, from aſſenting to any Bill, by which their Eſtates were to be Taxed.

The Exciſe-Bill before mentioned, being expired, which created a Fund, whereby the Aſſembly had ever defrayed the incidental Charges of Government; they prepared a Bill, during this Seſſion, for extending it to the ſame Purpoſes, for the Space of ten Years longer, and preſented it to the Governor. But being reſtrained by Proprietary Inſtructions, as the Aſſembly had often told him, he refuſed his Aſſent, but with greater Shew of Candor and Ingenuity, than he had been accuſtomed to. The real Cauſe of this Change of Behaviour, was the certain Advice he had received, that Mr. *Denny*, our preſent Governor, was ſhortly to ſucceed him; and willing to confer one Obligation on the Aſſembly, during his embroiled Adminiſtration, not doubting but they would be pleaſed with the *Novelty* of it, and expecting, I preſume, ſome Compenſation for the many

great

great and *eminent Services* he had done his Country, he ſent down the following Article of the Proprietary Inſtructions.

" You ſhall not give your Aſſent to any Law for prolonging any Exciſe, or raiſing any Money on the Inhabitants of the ſaid Province of *Pennſylvania*, unleſs there be an enacting Clauſe, that all Money ariſing from the ſaid Exciſe, or other Duties, ſhall be diſpoſed of, only as we, or either of us, exerciſing the Office of Governot, or the Lieutenant Governor, or in Caſe of his Death or abſence, the Preſident of the Council, and the Houſe of Repreſentatives for the Time being ſhall direct, and not otherwiſe."

THE *Reſolve* of the Houſe, upon the above Inſtruction, was as follows,

Reſolved,

THAT it is the Opinion of this Houſe, that the ſaid Proprietary Inſtruction was the principal, if not the only Obſtruction, to the paſſing the ſeveral Bills offered to the Governor by the laſt Aſſembly, for granting Money to the King's Uſe.

Reſolved,

Reſolved,

THAT the Act for laying an Exciſe on ſtrong Liquors paſſed in 1744, and the Act granting £.5000 for the King's Uſe, paſſed *June* 24th 1746, by which the ſaid Act for laying an Exciſe on ſtrong Liquors was continued for 10 Years, next after *June* 7th 1746, have received the Royal Approbation.

AFTER what hath been ſaid, the judicious and the candid Reader, will require no other Proof, that this and other Proprietary Inſtructions, were the ſole Impediments to the paſſing the ſeveral Supply Bills of this Nature, which former Aſſemblies had offered to the Governer for the King's Uſe. He will perceive, that as ſuch Acts have, for more than thirty Years paſt, been found neceſſary for defraying the Charges of Government, and approved of by the Crown, any Inſtruction prohibiting them, is a direct Infringement, of the Liberties and Privileges of the Subject; he will perceive that all Proprietary Inſtructions whatever, not warranted by the Laws of *Great-Britain*, or not conſiſtent with our Royal Charter, are illegal and in themſelves void; and alſo, that if our Proprietaries ſhould be any longer permitted, to reſtrain their Governors, from paſſing ſuch Laws as the Aſſembly ſhall conceive neceſſary for our Defence, it muſt in the End infallibly

ſibly prove the Ruin of this Province, and be of fatal Conſequence to the *Britiſh* Colonies in *America*.

HAVING brought down the Controverſy betwixt the two Branches of our Legiſlature thus far, I ſhall here make a few additional Animadverſions on the two Pamphlets, and ſeveral Papers and Petitions therein mentioned, which have ſupplyed the Author with ſo copious a Fund for Remarks. The * firſt is a Piece quoted from the Supplement to the *New-York* Mercury. So great is this Author's *Veneration* for *Truth* and *Ingenuity*, that he would fain perſuade the World, this was not a Creature of his own. But the Fact is notorious, and if he perſiſts in a Denial, may be proved by the Atteſtation of a very worthy Gentleman of the ſame Country and Profeſſion with himſelf: The Author of the *B. V.* and the Author of the Piece quoted, are but one and the ſame identical Perſon. The Gentleman I have ſpoke of ſaw it at the Time of writing, and counſelled him againſt Publiſhing it, as it could anſwer no good End; but on the Contrary muſt foment Party Flame and Diſſention, amongſt a People too much diſunited already. The Anſwer he returned ſufficiently declares the *Goodneſs*, and *Benevolence* of his

* B. V. from p. 10 to 12.

his Soul; 'twas this, "Alas! Sir, our Circumſtances "are widely different; you are at the Height of your "Preferment, but that is not my Caſe yet." A deſire of Preferment, therefore, was the Motive of his Conduct; and whoever makes that his Motive, examines not the Equity of a Cauſe; he will proſecute it, as our Author hath done, in Defiance of Truth and Juſtice; in Contempt of Law and Religion; in Violation of every Duty, whether ſacred or civil. After the Information we have given him, the Reader cannot be at a Loſs to Account for the numerous Encomiums, which the Authors of the two Pieces mentioned confer upon each other; and to excuſe the Liberty taken of altering the Senſe as well as Diction of the *Supplement*, when tranſcribed into the *Brief View*, the more effectually to ſerve the Author's Purpoſe. The Subſtance thereof hath been often repeated in the two Pamphlets; all except a Couple of forged Letters pretended to be wrote from a Gentleman at *Montreal* to his Friend at *Paris*. The only proper Anſwers to which, were found in the Pockets of a *French* Officer of Diſtinction, ſlain in the Battle at *Lake-George*, Printed in *New-York*, and publiſhed by *Humphrey Scourge*. †

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† Vid: *Tit for Tat*, or, *the Score wip'd off*.

The ſecond Piece which claims our Notice, is an Addreſs from ſome of the People called Quakers, which, he affirms, "was in their own Names, and "the Names of all the Quakers in the Provin e." Moſt certainly, this Author lies under ſome Incapacity of telling Truth, or repreſenting a Fact as it really is; for, from his own Tranſcript it appears, that, inſtead of being "in the Names of *all* the Quakers in the "Province," it was "the Addreſs of ſome of the "People called Quakers, *&c.*" This being really the Caſe, it cannot fairly and rationally be deemed an Act of the Heads of any particular Meeting, much leſs of the Yearly Meeting; but an Act unadviſedly begun, precipitately and raſhly done by a few who ſigned it, to the Number only of 23. This is further confirmed by the Chearfulneſs with which that People have ſince paid the general Tax, againſt which this Addreſs was particularly pointed; there not being one in a Thouſand who have permitted their Effects to be ſeized, or refuſed to pay it. And how far it influenced the Actions of the Aſſembly, will appear from the following Cenſure paſſed upon it by the Houſe, *viz.* "That "it was aſſuming greater Right than they were in-"veſted with, and an Indication that they had not duly "conſidered what had been heretofore tranſact d in "the Aſſemblies of this Province; particularly in

" Relation to an Act for granting £.2000 to the " Queen's Uſe paſſed in the Year 1711, and is there- " fore an unadviſed, and indiſcreet application to " this Houſe." It is confirmed alſo by the large Supplies granted both before and after, to the King's Uſe.

Another extraordinary Petition which this Author judged worthy a Place in his *B. V.* was one drawn up by himſelf, and ſigned by the Mayor of our Corporation and about 133 Perſons beſides; which, out of the numerous Inhabitants of this City, were all this *excellent* Magiſtrate could, (tho' he ſent his Emiſſaries for that Purpoſe, from Door to Door,) prevail upon, to join with him in abuſing and inſulting the Repreſentative Body of the People. Many of which Petitioners, inſtead of being principal Inhabitants, as they ſtile themſelves, were not even Freeholders; many of them Strangers or obſcure Perſons; many of them Papiſts; ſome under Age, and moſt of them either ignorant of, or avowedly diſaffected to the general Intereſt of the Province. From a Knowledge of theſe Facts, and the inſolent Form of the Repreſentation, the Aſſembly thought it their Duty to paſs a Cenſure on that alſo; Part of which follows here.

As

" As it charges the Houſe with not having a proper Concern for the Lives of the People of the Province, and dictates in a haughty Manner, to the Repreſentative Body of the whole People, what Laws to be made, and to which the Preference ought to be given; and threatens to force a Compliance by the Power of Numbers, if its Commands are not obeyed, it is a Paper extremely preſuming, indecent, inſolent, and improper to be preſented to this Houſe. And we are further of Opinion, that the Mayor of the City of *Philadelphia*, by becoming a Promoter and Ringleader of ſuch an Inſult on this Part of the Government, and by his Authority, Acts, and Influence, drawing in ſo many indiſcreet People, to be Partakers with him therein, when he ought rather to have been careful in preſerving good Order, hath exceedingly misbehaved himſelf, and failed greatly in the Duty of his Station."

HAVING thus, I hope, fully refuted the many groſs Falſifications, of our Pamphlet-Writer, and the many flagrant Miſrepreſentations of the Governor, I ſhall cloſe this ſhort tho' vexatious and oppreſſive Adminiſtration, heedleſs as it was Tyrannical, and fooliſh as it was ſevere, in which the People of this Province experienced more Misfortunes, than they had ever known ſince its firſt Settlement, with a Remark or two.

Had Mr. *Morris* been well acquainted with the Nature and Conſtitution of our Government, before he received his Commiſſion and Inſtructions, he muſt needs have known the latter to be incompatible with the former, as well as with the Good of the People he was to govern. How far he was morally juſtifiable in accepting of his Commiſſion at all, on the Terms he did, I need not determine; but when I reflect that he not only accepted of them as the Rule of his Conduct, but alſo, after the Conviction he had had of their evil Tendency, that he ſtill concealed them, and proſtituted his Reaſon in Support of them, he is, in my Opinion, incapable of Juſtification. For, 'tis more than probable, that he was privy to the Proprietary Schemes, and fully perſuaded that they were well laid and practicable. The Execution whereof will perhaps be thought no diſagreeable Undertaking to him, by thoſe who are acquainted with his arbitrary Notions of Government. But fortunately for the People, his Love of Pleaſure, and Fondneſs for Company engroſſed his Time ſo much, that his politica Tranſactions tended rather to defeat than execute his Purpoſe; and gave the People an Opportunity of guarding againſt it, rather than enabled himſelf to accompliſh it. This rendered him odious to the Public; and in Private, diminiſhed that Eſteem and

Reſpect

Reſpect which his Creatures would otherwiſe have paid him, and conſtrained him to uſe ſuch Means as neither conſiſted with his Duty, nor became his Station, to create other Tools, and a more conſiderable Party to Support him. The Proprietary Dependents greedily embraced the Opportunity: Thoſe very Perſons who had traduced and libelled our Aſſemblies, and kindled the Flames of Diſcord in the Province, immediately joined him. It is a diſagreeable, tho' perhaps a neceſſary Task, to rake the Aſhes of a paſt Adminiſtration, where the Perſon entruſted therewith hath conſtantly acted in Contradiction to the good of a Community; could I find out a ſingle Action of this Gentleman that had in it the leaſt Appearance of Public Spirit, I would mention and applaud it with Pleaſure; but, with Regret I own, that after an accurate and unprejudiced Examination of his Conduct, I have not been ſo happy as to diſcover one that can juſtly enroll him in the Liſt of virtuous and good Rulers. Ambition and Obſtinacy haunted him thro' every Scene of Action; the one dazzled his Eyes with the glittering Proſpect of Preferment, while the other plunged him into Difficulties too deep for him to emerge out off. So far was he from diſcovering the leaſt Token of Good-Will and Affection for the People he govern'd, that he exerted all his

Talents

Talents in diſuniting them, and inflaming their Minds againſt each other; that like the Bulls in the Fable, they might the more eaſily become the Prey of their Enemy who lay in wait to devour them. In ſhort, what was affirmed of RICHARD I. with Reſpect to *England*, is truly applicable to him, "*Pennſylvania* "*can be happy only from his Abſence.*"

After what hath been ſaid of the laſt Adminiſtration, no one can doubt, but the Inhabitants received Mr. *Denny* with great Cordiality and Regard. They knew the Change could not be worſe, and from that Gentleman's reputed Moderation, good Senſe, and Prudence, they had great Reaſon to expect a better. They were, however, ſoon undeceived. For being bound by Proprietary Inſtructions ſtill more reſtrictive, influenced and over ruled by the ſame Proprietary Council, he found himſelf obliged to perſue almoſt the ſame Meaſures, with his Predeceſſor. At firſt, indeed, he gave very hopeful Preſages of greater Prudence, Candour and Juſtice, than Mr. *Morris* had thought fit to exhibit. One Inſtance whereof I muſt beg Leave to recite, as it affords evincing Proof what hath been inſinuated concerning Proprietary Inſtructions, and the diſtreſsful State the Province was in, between our Enemies on the one

Hand,

Hand, and our Rulers on the other; the latter of which tied up our Hands, while the former Butcher'd us.

Mr. *Denny*, upon his Arrival, finding all the Supplies, granted by the £.55,000 Bill, expended, ſave the Proprietary £.5000, (*Part of which remains unpaid to this Day, tho' they have been often importuned to advance it,*) and that a further Supply was abſolutely neceſſary for our Defence, called on the Aſſembly, for a further Sum of Money to enable him to protect the Inhabitants, and keep up the Troops. He had before declared that he had brought over no Secrets, but would lay his Inſtructions before the Aſſembly, that they might ſee his Powers and Reſtrictions, and take their Meaſures accordingly. This was acting with Candor, and indeed, as Matters were circumſtanced, with Humanity. For, certainly, nothing could be more cruel, and at the ſame Time diſingenuous, than for a Governor to be ſhackled with Inſtructions, which debarr'd him from aſſenting to Laws directly calculated for the Preſervation of our Lives and Fortunes, at a Time when the Enemy was ravaging our Borders, and drinking our Blood; to accept of Inſtructions like theſe, was, I ſay, cruel and to conceal them, was both cruel and diſingenous: It was ſtabbing

bing our Liberties in the Dark, and putting us out of all Capacity to defend them. Mr. *Denny*, however, in this Reſpect, acted a more honorable, as well as a more equitable Part. He ſeem'd determin'd to bear no other Burthen than his own, and that if the Inſtructions were arbitrary and unconſtitutional, the People ſhould know what they were, that they might take the proper Meaſures for Relief: And therefore on the Aſſembly's Meſſage requeſting him to lay before them, ſuch as related to Supply Bills, and the Raiſing of Money, he was pleaſed to ſend them thoſe extraordinary and oppreſſive Inſtructions, which the Reader will find in the Appendix.

In Purſuance of the Governor's Meſſage, the Houſe taking into Conſideration the Supplies neceſſary to protect the Province, and keep up the Forces; immediately reſolved to grant £.60,000 to the King's Uſe, for thoſe Purpoſes. And to avoid the Diſpute reſpecting the Taxation of the Proprietary Eſtate, choſe to ſink the Bills to be ſtruck, by an Exciſe on Strong Liquors, rather than a Land-Tax. They fixed on this Mode of raiſing Money, the more chearfully, as it was One the People had experienced, and found eaſy; and alſo becauſe a Number of preceding Exciſe Bills had been enacted by former Governors,

vernors, and received the Royal Approbation. This Bill was ſent up to the Governor, who notwithſtanding ſeveral Conferences were had between him and the Aſſembly, in which the Invaſions of the People's Rights, the arbitrary Nature of the Proprietary Inſtructions, the Impediments they occaſioned to the Defence of the Province, and his Majeſty's Service, and the diſtreſsful Situation of the People, were pathetically repreſented, he refuſed to paſs it, conceiving himſelf prohibited by his Proprietary Inſtructions. Upon which, the Houſe proceeded to make ſome Reſolves † upon the arbitrary and "oppreſſive Nature of theſe Inſtructions, and reſerving their "Rights in their full Extent on all future Occaſions, "and proteſting againſt the Proprietary Inſtructions "and Prohibitions," did Reſolve, "nevertheleſs in "Duty to the King, and Compaſſion for the ſuffering Inhabitants of their diſtreſſed Country, and "in humble and full Confidence of the Juſtice of "his Majeſty, and a *Britiſh* Parliament, to wave their "Rights on this preſent Occaſion only; and did further reſolve, that a New Bill be brought in for "granting a Sum of Money to the King's Uſe, and "that the ſame be made conformable to the ſaid In-"ſtructions." According to this Reſolve, a Bill was formed by the Houſe, in every Reſpect agreeable to

† Votes 1756.

theſe oppreſſive Inſtructions, for granting £.30000 to the King's Uſe.

From a curſory View of the Inſtructions, and a little Reflexion on the Nature of our Government, the Reader will be able to form a juſt Idea of their Legality and Policy; and how extremely repugnant they are to the Liberties of the People. But when he conſiders that the Proprietaries have by them greatly enlarged their Prohibitions and Reſtrictions on the *preſent Governor*, and debarr'd him from paſſing any Bill for our Defence, unleſs conformable thereto, at a Conjuncture the moſt calamitous, as I have had but too frequent Occaſion to obſerve in the Courſe of this Work, he muſt needs acknowledge with me that they are left inexcuſable; that a Conduct like theirs, under thoſe Circumſtances, was directly inconſiſtent with their Duty to the beſt of Kings; ſince they abandoned, as far as in them lay, a Province which is placed more immediately under their Care and Government, to the outrages of a barbarous Enemy, and, had the Aſſembly adhered to their Rights, as they juſtly might, even hazarded the total Loſs of it to the Crown.

But that the Reader may the more perfectly comprehend how far his Majeſty's Service, and our Pro-

tection

rection have been, and will hereafter be obſtructed, if theſe Inſtructions are to continue obligatory on our Governor, I ſhall beg Leave to refer him to the Report of the Committee of Aſſembly thereon, which he will find in the Appendix.

The whole Report, is ſo ſpirited and affecting, as cannot fail to open the Eyes of every Lover of Liberty, and take off the Odium and Calumnies which have been unjuſtly thrown on our faithful and loyal Aſſemblies; it will, together with what I have here ſaid, demonſtrate that they have complied with his Majeſty's Orders for Defence of the Province, as much as in them lay; and that thoſe Orders have been defeated, by the Ambition or Avarice of our Proprietaries in giving, and the Pertinacity of our Governors in adhering to their oppreſſive Inſtructions. What have our Aſſemblies not done, that was incumbent upon them to do? Whenever Supplies were demanded, did they not offer them in the uſual, regular, conſtitutional Manner? When the *French* firſt invaded our Lands on the *Ohio*, they granted £.10000; that Sum they increaſed to £.15000; that to £.20000; and that to £.25000; ſtill augmenting the Sum in Proportion to the Neceſſities of the Province. Did they not offer to raiſe theſe Supplies by an Exciſe on ſtrong Liquors? A Mode to which the People had been ac-

cuſtomed, and which was found eaſy? On the other Hand, did not the Governor reject theſe Offers, under Pretence that they were inconſiſtent with Royal Inſtructions obſolete and invalid, tho' Acts framed in the ſame Manner, had ſince received the Royal Approbation? And when the Aſſembly found that the Governor would not accept of theſe Supplies, notwithſtanding the diſtreſs of the Colony, unleſs they were granted in a Manner oppreſſive to the People, did they not chearfully borrow, on the Credit of the Houſe, independent of the Governor, £.5000 for purchaſing Proviſions and other Neceſſaries, in Purſuance of the Secretary of States Letter, for the Forces under General *Braddock*? And were not thoſe Proviſions ſent to *Virginia* before they were wanted? Did they not timely ſupply General *Braddock*, with every neceſſary he required, on the ſhorteſt Warning, when *Maryland* and *Virginia* had diſappointed him? And were not the Carriages and Waggons for the Army procured by Mr. *Franklin*, who waited on the General to tender him the Service of the Houſe? And did not that Member receive the Thanks of the Houſe on that Occaſion? And did not the General, as well by his Secretary, as by his own particular Letter, return the Aſſembly "his ſincereſt Thanks" for thoſe Services, which would otherwiſe have remained undone? Did they not clear

the

the Road over the *Alleghany* Mountains, at the Expence of £5000, as ſoon as deſired by the Governor? Did they not give a Bounty for, and ſupply Commodore *Spry* with Seamen, which he had in vain ſolicited from the other Governments? Did they not furniſh a large Quantity of Proviſions and Cloaths, for the *New-England* Troops, under General *Shirley*? And have they not received the moſt authentic Teſtimony from that Gentleman, of their Loyalty and Fidelity to his Majeſty, their Readineſs to obey his Orders, and to further his Service? And after the Aſſembly had by theſe Supplies, ſunk the Funds of which they had the Diſpoſition, did they not wave the unfortunate Diſpute reſpecting the Exciſe Bills, and, in Purſuance of the Governor's Requeſt, grant his Majeſty the large Sum of £.50000 to be raiſed by an equitable Tax, on all Eſtates in the Province? And did not the Governor refuſe this equitable Supply, becauſe *his Lords* the *Proprietaries* were to be taxed in Common with the Reſt of his Majeſty's Subjects, for the immediate Preſervation of their own Eſtates, tho' the whole Body of the Nobility, the Royal Family, nay even his Majeſty himſelf was taxed for that Purpoſe? And did not the Aſſembly thro' an earneſt Deſire to defend their Lives and Fortunes, offer to ſubmit the Controverſy to his Majeſty and Council, by inſerting a Clauſe in the Bill

to refund the Proprietaries Proportion, in Caſe his Majeſty's Pleaſure ſhould determine in Favour of them? And yet, was not their Governor ſo deſtitute of Concern for the Preſervation of this Province, and the general Defence of *America*, as to refuſe to ſubmit this Exemption to his Sovereign's equitable and juſt Deciſion? Yes, all this have our Aſſemblies chearfully done; nay more, thoſe very Quaker Aſſemblies ſo much miſrepreſented, and ſo much defamed, granted £.85000 † on the Governor's own opportune preſſive

† Beſides the Sums mentioned in the Narrative, the Aſſembly have granted £ 300000 and 'tis expected will ſoon add to that Sum, another £.100000 without Charging the Proprietaries Eſtates, with any part thereof. The Governor being prohibited by his Inſtruction, from paſſing any Law of that kind, unleſs on the moſt abject Terms. So that the Account of the Sums granted by theſe Aſſemblies, ſo averſe to the Defence of the Country, as our Author repreſents them to be, will ſtand thus.

For purchaſing proviſions and other neceſſaries for General *Braddock*.	£.5000
For cutting a Road for the March of the Forces, over the *Alleghany* Mountains	5000
For Proviſions for the Troops under General *Shirley*,	10000
For erecting a Chain of Forts on our Frontiers.	85000
For raiſing Men to join the Forces, under the Command of Lord *Loudon*.	100000
For raiſing, Cloathing and paying 2700 Men, to act under General *Forbes*.	100000
For ditto, under General *Amherſt*.	100000
	£.405,000

preſſive Terms. A Chain of Forts * hath been erected on our long extended Frontiers, of near 200 Miles, ſolely at the Expence of this Province, tho' they at the ſame Time cover the Frontiers of *Maryland*, *New-Jerſey*, and the lower Counties from the *Indian* Incurſions.

But all this would not ſatisfy the Proprietary Party; nothing leſs than the Reſignation of the Quakers would content them; even this was ſubmitted to; a Quorum of the Houſe is now compoſed of Men of different Perſuaſions, all ready to ſacrifice every Thing that's dear to them for the Service and Defence of their Country, would the Proprietaries vouchſafe but to *unmanacle* their Hands; and yet the adverſe Party is equally diſcontented, and equally clamorous; no public Meaſure, tho' ever ſo ſalutary, is purſued, no Law paſſed, without encountering their moſt virulent Oppoſition. And this is likely to be the Caſe, till the People are either happy enough to overpower it, or ſilly enough to inveſt the Legiſlative Authority in the Hands of thoſe, who already poſſeſs the Executive, on the Slaviſh and deteſtable Terms of *During their Maſters Pleaſure.*

* One of theſe Forts hath coſt the Province at leaſt £. 20000

I MUST beg the Readers Indulgence a little longer, while I conſider the Remedy propoſed by the Writer of theſe Pamphlets for the *pretended* Diſeaſes of this Province. From hence the Reader will conceive an adequate Idea of the Man and his Principles, the Weakneſs of his Head, and the Wickedneſs of his Heart.

IN his *Brief State* p. 39, he obſerves that, "deſperate as the Caſe is here, a Remedy in *England* is "eaſy; let the Parliament but make a Law to the following Effect; to oblige all thoſe who ſit in Aſſembly, to take the Oaths of Allegiance to his Majeſty, "and perhaps a Teſt or Declaration, that they will "not refuſe to defend their Country againſt all his "Majeſty's Enemies." By this he propoſes effectually to exclude the Quakers from their indubitable Right, of being choſen as Repreſentatives of the People; that when they, who have ſo long promoted the Good, and maintained the Liberty of this Province, are removed, the Creatures of Proprietary Power, may ſucceed in their Room, and with more Eaſe, enſlave the Inhabitants, and prey on the Vitals of their Country. But how loſt to Modeſty, and Common Senſe muſt this Author be, to propoſe a Scheme ſo unjuſt and arbitrary to the Patrons of Liberty, a *Britiſh* Parliament!

liament! Could his Vanity prompt him to imagine that either his *Rhetoric*, or his *Logic* could miſlead them from the Paths of Juſtice, ſo far as to deprive near 44000 Inhabitants of a Right, with which the Laws of their Country and Conſtitution endue them? Could he be ſo vain as to imagine they would, upon his crude Suggeſtions, deprive the Quakers, who have been always found an affectionate and a loyal People, of thoſe Privileges, for which they left their native Land, and ſettled in a ſavage uncultivated Deſart? that they would wreſt the legiſlative Power, out of the Hands of thoſe who had never miſapplied it, but, on the Contrary, whoſe prudent Management had rendered this Province, without the leaſt Expence to the *Britiſh* Nation, for its Felicity, Wealth, Opulence, and Commerce, the admiration of *Europe*; and all to enable his Maſters, to enſlave the Country?

He is farther for "ſuſpending to the *Germans*, "their Right of voting till they have ſufficient Know-"ledge of our Language, and Conſtitution." That this Proviſion is equally reaſonable with the former, I grant; for Nothing can be more unreaſonable than both. It was that promiſing Aſpect of Liberty, for which *Pennſylvania* was ſo renowned, that induced the *Germans* to tranſplant their Eſtates and Families

into this Colony; how ungenerous, how unjuſt therefore would it be, to defraud theſe People of thoſe Advantages and Privileges, they were made to expect, and had a Right to enjoy; and among others, thoſe of voting, and being voted, for Repreſentatives, I leave any Man who has leſs Partiality, than this Author, to determine. This Scheme is full as *political*, as it is *rational and juſt*; for doubtleſs, whenever it is our Caſe to ſee it accompliſhed, theſe Quakers, and theſe *Germans*, will ſeek a Country more juſt and more hoſpitable than this, and leave our Pamphleteer and his Party, to rule the remaining three Tenths of the People, at their Pleaſure and Diſcretion.

The other Parts of his Syſtem, are of a Piece with the forementioned, all equally abſurd and chymerical. He would, it ſeems, have theſe People "inſtructed in "the Nature of free Government by Proteſtant Mi-"niſters, and School-Maſters." Thus we find Religion is to give Way to Politics, tho', in my humble Opinion it would be much better, and more to the Emolument of the Public, if every Miniſter would ſtick to his Bible, and every *Schoolmaſter* to his *Grammar*. But we may gueſs what this worthy Gentleman means by free Government, from the extraordinary Remedy he hath propoſed; it is a Government wherein the

eſtabliſhed

eſtabliſhed Rights of the People may be violated to ſerve the Ends of Avarice or Ambition. In which this Author and his Party may arbitrarily direct what Manner of Uſage, what Rights, and ſhare of Property the *Germans* and Quakers ſhall have. A Government in which they may at Will iſſue forth their Edicts, trample upon the Liberties of the People, and infringe both the Royal and Proprietary Charters. Add but a ſtanding Militia, ſubject to the incontroulable Power of his Patrons, to keep theſe *Germans* and Quakers in Awe, and he expects they will then vote as directed, the Freedom of Elections will be deſtroyed, our Aſſemblies either aboliſh'd, or made obſequious to the Will of their Superiors, and Liberty and Virtue exiſt no more?

His radicated Malice towards the *Germans*, extends itſelf ſtill further, he would make "all Bonds, Con-"tracts, Wills, and other Legal Writings void, unleſs "in the *Engliſh* Tongue." Thus would all Securities, Titles, and Contracts, drawn in the *German* Language be invalidated; the Eſtates and Debts of the Parties loſt, and ſo themſelves reduced to Poverty and Want.

He would alſo have it ordained, that no News-Paper, Almanack, "or any other Periodical Paper,

" whatever Name it may be called, be printed or cir-
" culated in a foreign Language.

Now upon a Review of this extraordinary Remedy, how arbitrary, unjuſt, and cruel does it appear to be! He would deprive, according to his own Computation, 154000 Perſons of their Right to repreſent the People in Aſſembly, or even of being themſelves repreſented; and would thus ſubject them to the Obedience and Penalties of Laws, to which they never conſented, and in the making of which they had no Share. He would invalidate and annul Contracts, authorized by the Laws of our Conſtitution, to the infinite Damage and Loſs of the Contractors, who are one half of the People. He would ſaddle upon the *Germans* eccleſiaſtical Power and Authority, under the whimſical Pretence of having them taught " free Government, by Proteſtant Miniſters." He would deprive them of the Liberty of the Preſs; and, for ought I know, even that of reading their Bibles in their native Tongue; for who can ſet Bounds to his Malignity? And thus, in Fine, would he erect the Edifice of Deſpotiſm on the one Hand, and of Vaſſalage on the other.

Such then, is the Scheme he has the Confidence to recommend to the *Britiſh* Parliament; a Scheme pregnant alike with Abſurdity, and Injuſtice: Can a higher Indignity be poſſibly offered thoſe glorious Supporters, and Lovers of Liberty? Nay more, as a Mark, no doubt of his Attachment to the preſent happy Eſtabliſhment, and the illuſtrious Family upon the Throne, he would recommend the Execution of this Scheme to his Majeſty himſelf, a Native of *Germany*, and who by his Valour and Wiſdom reſcued the Empire from *French* Slavery and Devaſtation.

And now, in my Turn, I would, with all due Deference to my Superiors, beg Leave to propoſe a Remedy for the *real* Maladies of this Province. The Fever of Ambition and a Luſt of Power, have long ravaged our Conſtitution, enfeebled our Laws, and corrupted our Courts of Juſtice; our Eſtates and Properties, have no permanent or ſolid Foundation and Security; illegal, unconſtitutional Inſtructions are forced upon us; and have obſtructed every ſalutary Law, and every rational Meaſure concerted for our Defence, in Obedience to his Majeſty's gracious Orders, and in Conformity to the firſt Law of Nature. The Aſſemblys are deprived of thoſe Liberties and Privileges

vileges they have a Right to by Charter and as *Engliſh-men.* The Juſticiary Offices are granted in ſuch Manner, that the Peoples Properties are rendered precarious and inſecure. The Proprietaries no longer think themſelves Subjects, but claim Powers which our Sovereign never pretended to, Powers of directing the Formation of Laws, and imperiouſly dictating to a free People. They ſeem determined to accompliſh their Purpoſes, or to ſacrifice to their Ambition one of his Majeſty's moſt flouriſhing Colonies on the Continent.

To preſerve it therefore, from the Enemies Hands, and to reſcue it's Inhabitants from the Jaws of Proprietary Slavery, 'tis moſt humbly propoſed that our Gracious Sovereign would aſſert his Claim by Virtue of a former Contract, and be pleaſed to take his affectionate and faithful Subjects here, under his immediate Government and Protection; they are a loyal, well affected People; ſincerely attached to his illuſtrious Family and Perſon, and all of them, a few Proprietary Dependents only excepted, as ardently wiſh for ſuch a happy Change, as the wearied Pilgrim for his Journey's End. To ſubmit to ſuch Indignities and Oppreſſion is moſt diſtant from their Thoughts; they are as much determined to be free, as their Proprie-

taries

taries are to enſlave them; and they can hope for no other Aſylum from Slavery and Ruin, than his Majeſty's auſpicious Wing and Government, where they may repoſe in Safety, and glory in the Enjoyment of their antient Rights and Privileges in Common with the reſt of his faithful Subjects.

E R R A T A.

PAGE 71, line 8, for *remitting*, read *re-emitting*. ibid, l. 24, for *Them*, r. *him*. p. 72, l. 6, for *Them*, r. *him*. ditto, l. 7. p. 135, *in the Notes*, r. 1*ſt*. *G. 2d*. p. 156, l. 23, *inſert* of *after* Proof.

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APPENDIX.

TO the Foregoing WORK.

COPY of the Eleventh Article of the Proprietary INSTRUCTIONS.

WHEREAS the Intereſt Money ariſing from the Loan of Bills of Credit in the ſaid Province, is intended by us and the Houſe of Repreſentatives to be applied for the Public Service of the Province, and of the Inhabitants thereof; and ſhould therefore, under the Direction of the ſame Power that raiſes it, be moſt carefully applied to thoſe Purpoſes, as a greater Security to the People againſt Miſapplication than if it was entruſted only to one Branch of the Legiſlature; and ſuch was the antient Practice in our ſaid Province. You ſhall therefore not give your Aſſent to any Bill or Act of Aſſembly for the Emitting or Re-emitting and Continuing any Paper Currency or Bills of Credit in the ſaid Province, unleſs every ſuch Bill or Act of Aſſembly do contain one or more enacting Clauſes, whereby it ſhall be effectually enacted, that the Whole of the Intereſt Money to accrue, ariſe and become payable, from the Loan of all ſuch Paper Currency or Bills of Credit hereafter to be iſſued, emitted, continued or re-emitted, ſhall be diſpoſed of only to the very Purpoſes to be mentioned and expreſſed in the ſame Act,

in ſuch Caſes where the Purpoſes may conveniently be mentioned and expreſſed therein; or, where that cannot conveniently be done, then to ſuch Purpoſes only as ſhall be mentioned and expreſſed in ſome future Act of the Governor and Aſſembly, or in ſome future Vote or Reſolution of Aſſembly, approved of and ſigned by the Governor or Commander in Chief of the ſaid Province for the Time being. And whereas there is the ſame good Reaſon for ſecuring to the Uſe of the Inhabitants any Monies raiſed on them by Exciſe or any other Method, you ſhall not give your Aſſent to any Law for prolonging the preſent Exciſe, or laying any other Exciſe, or raiſing any Money on the Inhabitants of the ſaid Province of *Pennſylvania*, unleſs there be the like enacting Clauſe, that all Money ariſing from the ſaid Exciſe or other Duties, ſhall be diſpoſed of only to the very Purpoſes to be mentioned and expreſſed in the ſame Act, in ſuch Caſes where the Purpoſes may conveniently be mentioned and expreſſed therein; or, where that cannot conveniently be done, then to ſuch Purpoſes only as ſhall be mentioned and expreſſed in ſome future Act of the Governor and Aſſembly, or in ſome future Vote or Reſolution of Aſſembly, approved of and ſigned by the Governor or Commander in Chief of the ſaid Province for the Time being.

A true Copy, compared with the Original, by

RICHARD PETERS, *Secretary.*

COPY of the Twelfth Article of the Proprietary INSTRUCTIONS.

WHEREAS by an Act of Aſſembly paſſed in the ſaid Province, in the Twelfth Year of his Majeſty's Reign, intituled, *An Act for re-printing, exchanging, and re-emitting all the*

the Bills of Credit of this Province, and for ſtriking the further Sum of Eleven Thouſand One Hundred *and* Ten Pounds, *and* Five Shillings, *to be emitted upon Loan*, the Paper Bills or Bills of Credit of the ſaid Province amounted unto *Fourſcore Thouſand Pounds*, Proclamation Money, or thereabouts; and altho' a reaſonable and moderate Quantity of Paper Money, or Bills of Credit in the ſaid Province, tends greatly to the Service and Benefit of the ſaid Province and its Inhabitants, as well as to the Trade of *Great-Britain*, yet the Making, Emitting, or Continuing too large a Quantity thereof, has, in other Colonies, and would in the ſaid Province be prejudicial, and would greatly affect the Exchange and Trade of the ſaid Province: And whereas it hath been repreſented to us, that it will be of Advantage to the Trade of the ſaid Province, to re-emit and continue the ſaid *Fourſcore Thouſand Pounds*, and even to enlarge and encreaſe the Quantity of Paper Money, you are therefore diligently and carefully to enquire, whether it is neceſſary, and will be convenient, to re-emit the ſaid *Fourſcore Thouſand Pounds*; and alſo, whether it is really neceſſary to create and iſſue any further Sum in Paper Currency or Bills of Credit in the ſaid Province: And in caſe, upon your beſt Enquiry, you ſhall find it to be really convenient and neceſſary, and of Advantage to the ſaid Province, then, but in no other Caſe, you may paſs and give your Aſſent to any Act or Acts of Aſſembly in the ſaid Province, for re-emitting or continuing the ſaid *Fourſcore Thouſand Pounds* for ſuch Time as you ſhall judge proper; and alſo for raiſing and iſſuing any further Sum or Sums in Paper Currency or Bills of Credit which you ſhall think neceſſary, not to exceed the ſum of *Forty Thouſand Pounds*, Proclamation

clamation Money. Always provided, that on every ſuch Bill, ſtrict Regard be had to our foregoing Inſtruction, Number Eleven, as to the Diſpoſal of all the Intereſt to ariſe from ſuch Paper Money ſo to be re-emitted or continued, or to be new raiſed or iſſued. And alſo provided, that in the very Acts for re-emitting, continuing or iſſuing ſuch Paper Currency, or in ſome other diſtinct Act or Acts paſſed at the ſame Time, it be effectually enacted, that all Rents and Quitrents in the ſaid Province, due, or to be due and payable to the Proprietaries for the Time being, be always paid according to the Rate of Exchange, at the Times of Payment, between the Cities of *Philadelphia* and *London*, or ſome other ſufficient Proviſion be enacted in Lieu thereof, in as effectual a Manner as was done by a ſeparate Act at the Time when the ſaid Act of the Twelfth Year of His Majeſty's Reign was paſſed.

A true Copy, compared with the Original, by

RICHARD PETERS, *Secretary.*

COPY of the Twenty-firſt Article of the Proprietary INSTRUCIONS

WHEREAS, from the firſt Settlement of the ſaid Province, ſeveral Acts of Aſſembly have from Time to Time been paſſed for raiſing Provincial Taxes; in all which, as well when the Government was (for ſome Time) in the Hands of the Crown, as when executed by Commiſſion from our late Father, the Eſtates of the Proprietary himſelf, and, in ſome of the ſaid Acts, thoſe of his Children, and Deputies alſo, were exempted from paying towards ſuch Taxes; over and beſides which Exemption, ſeveral Acts were paſſed, giving

to

to the ſaid Proprietary a Support, by Duties and other Impoſitions, as may appear, on Examination of the ſeveral Acts of Aſſembly. And whereas, ſince the Expiration of thoſe former Laws, no Aid hath ever been granted by the Aſſembly to us, as Proprietaries, notwithſtanding which, we have on ſeveral Occaſions ſhewn our Regard to the Public Service of the ſaid Province, by voluntarily and chearfully expending ſeveral conſiderable Sums of our Money for the Advancement thereof, altho' no Provincial Tax hath been laid upon the People within our Time, for any Purpoſe whatſoever, until the laſt Year; ſo that as we had no Reaſon to ſuſpect that the Aſſembly of the ſaid Province would deviate ſo much from the former Uſage, as to pretend by any Act of theirs to charge our Eſtates in the ſaid Province, with the Burthen of any Taxes, we had not therefore given to your Predeceſſor any particular Inſtructions on that Head. And whereas the Aſſembly of the ſaid Province, taking Occaſion of the Troubles in *America*, to repreſent us in a very untrue Light, as if we were unwilling to aſſiſt the Public, by contributing towards the Defence of the Country, though no Application had ever once been made to either of us for that Purpoſe, did, in the laſt Year, prepare and ſend up to our Lieutenant-Governor, a Bill of a moſt unjuſt and extraordinary Nature and Import, intituled, *An Act for raiſing* Fifty Thouſand Pounds *for the King's Uſe, by a Tax of* Twelvepence per *Pound, and* Twenty Shillings per *Head, yearly for two Years, on all the Eſtates real and perſonal, and Taxables within this Province.* By which Bill, it was propoſed to be enacted, That there ſhould be levied and raiſed, upon all the Eſtates, real and perſonal, within the ſaid Province, of all

and

and every Perſon and Perſons, the Eſtates of us the Proprietaries not excepted, the Sum of *Twelve-pence* for every *Pound* clear Value of the ſame, yearly for the Space of two Years, to be paid by the Owners or Poſſeſſors thereof; and that all located and unimproved Lands ſhould be rated according to their Situation and Value, at any Prices not exceeding *Fifteen Pounds*, nor under *Five Pounds*, for every Hundred Acres of ſuch unimproved Land; and that Part of ſuch Land ſhould be ſold to diſcharge ſuch Tax, in Caſe the Owners of the ſame, or ſome Perſon for them, neglected or refuſed to pay the Rates aſſeſſed thereon; and that the Commiſſioners and Aſſeſſors of the County of *Philadelphia* ſhould acquaint themſelves with, and procure the Amount, as near as they were able, of our Eſtate in Quit-rents throughout the Province, and thereupon aſſeſs and tax the ſame, in the ſame Manner as other Eſtates were aſſeſſed and taxed in the reſpective Counties, by Virtue of that Bill. And whereas there are many other Ways of raiſing a Tax of *Fifty Thouſand Pounds* in the ſaid Province, without reſorting to a Land Tax for that Purpoſe; but if a Land Tax was neceſſary for the Raiſing any Supply, it ſhould be founded on Juſtice, and conformable to the Royal Charter, be conſonant to Reaſon, and not repugnant or contrary, but as near as conveniently may be, agreeable to the Laws, Statutes and Rights of the Kingdom of *England*; but the ſaid Bill was framed ſo contrary to Juſtice, and Laws of the ſame Kind in this Kingdom, that by it *One Shilling* in the Pound, for two Years, was laid on the whole Value in Fee-ſimple of every Eſtate, which, ſuppoſing the ſame computed at Twenty-five Years Purchaſe only, is a Charge of a Quarter Part more than the whole groſs Rent, without allowing for any Charges or Repairs;

pairs ; a Tax which never was laid, nor can poſſibly be paid in any Country ; a Part of the Eſtate only being taken for the Preſervation of the Whole ; nor was ſo heavy a Tax neceſſary to be laid in *Penſylvania* for raiſing the Sum of *Fifty Thouſand Pounds*: For if that Tax had been truly and fully aſſeſſed and paid, it muſt haveamounted to many Times that Sum ; but the Laying ſuch a large nominal Tax, appears to us to have been moſt unjuſtly calculated for the Purpoſe of putting it in the Power of Perſons, wholly choſen by the People, to tax our Eſtates up to the full Value therein mentioned, and to eaſe other Perſons, by taxing them ſo lightly, as only to make up the Reſidue that might be wanted to complete the *Fifty Thouſand Pounds* ; in which Caſe the Perſons choſen by the People might have laid by much the greateſt Part of the Burden upon our Eſtates alone, which, by former Uſage, had never been taxed at all. And whereas the Laying of Taxes on the real Value of the Fee-ſimple, and not on the yearly Income of Eſtates, and upon unimproved Lands, which yield no annual Profit or Rent to the Owner, and the Sale of the Land itſelf, and the Inheritance thereof, for Payment of the Tax impoſed thereon, appear to us highly unreaſonable, and not to be the Practice in *Great-Britain*, and no way agreeable, but quite contrary to the Laws and Statutes of this Kingdom : And whereas, upon the beſt Enquiries we have made, we cannot find that the Quitrents reſerved to the Crown, or to the Proprietaries, in any other of the *American* Colonies, have ever been taxed towards the Raiſing any Supplies granted in thoſe Colonies ; and indeed theſe Quitrents are generally ſo ſmall, that little or no Land Tax would be due or payable on them if ariſing

in *Great-Britain*, where Land Tax Acts are annually paſſed, and the Grantees and Owners of ſuch Farms and Plantations on which ſuch very ſmall Quitrents or Acknowledgments are reſerved to us, do, in caſe of a Land Tax, pay Tax for the Value of ſuch their ſaid Farms: And whereas our Lieutenant Governor propoſed to the Aſſembly, to except or exempt our Eſtates out of the Tax to be raiſed by the ſaid *Fifty Thouſand Pound* Bill, which they refuſing to do, he never gave his Aſſent to the ſaid Bill, but acquainted the Aſſembly (as the Truth was) that we were ſo far from deſiring not to contribute to the Defence and Support of His Majeſty's Rights and Dominions, that immediately, on the firſt Notice ſent us of the Defeat of General *Braddock*, we had ſent over an Order upon our Receiver General, to pay out of the Arrears on our Quitrents the Sum of *Five Thouſand Pounds*, as a free Gift, towards the Defence of the ſaid Province; deſiring at the ſame Time, that all Diſputes might be laid aſide, and that the Governor and Aſſembly would join together in Meaſures to oppoſe the common Enemy. And whereas we believe, that ſuch *Five Thouſand Pounds*, ſo by us given, was about Twenty Times more than the Tax upon all our Eſtate there, if truly and proportionably rated, according to all other Perſons Eſtates in the ſaid Province, could amount to towards raiſing a Sum of *Fifty Thouſand Pounds*: And whereas the Aſſembly afterwards prepared and ſent up to the ſaid Lieutenant Governor another Bill, intituled, *An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſtriking the ſame*, whereby they propoſed to enact, that there ſhould be levied upon all the Eſtates, Real and Perſonal, within that Province, of all and every

every Perſon and Perſons (our Eſtates only excepted, in Conſideration of our free Gift herein before and in the ſaid Bill afterward mentioned) the Sum of *Six-pence* for every *Pound*, clear Value of the ſaid Eſtates yearly for the Space of four Years; and alſo, that all located and unimproved Lands in the ſaid Province ſhould be rated in ſuch Manner, and at ſuch Values, as has been propoſed in the ſaid former Bill; and that Part of ſuch Lands ſhould be ſold, in caſe of Neglect or Refuſal to pay the Tax thereon: And whereas His Majeſty's Service, and the Defence of the ſaid Province, then requiring Money to be immediately raiſed, and our ſaid Lieutenant Governor not being provided with our particular Inſtructions relating to any ſuch Bill, he aſſented to the ſame in the Month of *November* laſt; and when the ſaid Act was ſent over hither for the Approbation of His Majeſty, we, tendering as we ought to do, the then Exigency of Affairs, and the Neceſſity of an immediate Supply for His Majeſty's Service, did not make any Application to His Majeſty for His Royal Diſallowance of the ſaid Act, as we ſhould have done at another Time, and on a leſs Occaſion: And whereas the ſaid Aſſembly, in order to raiſe the ſaid Tax, had, by both their ſaid Bills, appointed Commiſſioners and Aſſeſſors (Perſons choſen by the People only, and not any one of them by us) and thoſe but very few in Number, to aſſeſs or fix the Quota's which each Eſtate ſhould pay; which Perſons, if ever ſo well diſpoſed to act fairly and uprightly therein, can have no Knowledge of the true Value of all the ſeveral Eſtates to be taxed, and yet are made final and abſolute Judges without Appeal, what Sum each Eſtate ſhall pay towards raiſing the ſaid Tax; whereby, and by laying ſo great a Tax, to raiſe ſo ſmall a Sum, ſuch Perſons may

have it in their Power to commit great Irregularities, in taxing ſome Eſtates to their utmoſt Value, and eaſing others, which would be unequal and unjuſt, we having been informed, that in aſſeſſing the ordinary County Levies on the like Plan with that whereon the ſaid Bills were formed, many Perſons, inſtead of being rated to their full Worth, were not rated at one Fifth Part of their ſuppoſed Worth: And whereas the ſaid Aſſembly appear to us to have been inclined not only to load and burden our Eſtates with Taxes by their Authority, directly contrary to former Uſage, but even to charge the ſame diſproportionably, and in an unequal Manner, in order to eaſe the Eſtates of others, which is a Meaſure we are by no Means willing to conſent to: And as the preſent Invaſion of His Majeſty's *American* Dominions may make it neceſſary to raiſe further Supplies for His Service in our ſaid Province, the Aſſembly may hereafter propoſe and offer Bills or Acts of Aſſembly, to lay additional Taxes on real Eſtates there; You are therefore hereby required and directed, not to give your Aſſent to any Bill or Act of Aſſembly of that Sort, unleſs the Act be made to continue for one ſingle Year only, and no longer; nor unleſs the ſame be made as agreeable as poſſible to the general Tenor of the Acts of Parliament annually paſſed for raiſing the Land Tax in that Part of *Great-Britain* called *England* (eſpecially by laying the Tax, with reſpect to real Eſtates, upon the particular Houſes or Lands, in the reſpective Counties or Diſtricts, by which the Rate of it may at any Time be ſeen; nor unleſs the Tax, as to real Eſtates, be laid upon the true annual Rent or yearly Value only (ſuch yearly Value, where Perſons occupy their own Lands or Houſes, to be aſcertained in ſome ſuch Manner as herein after mentioned)

and

and not upon the real Value of the Fee-ſimple of the real Eſtate; nor unleſs the Tax, as to perſonal Eſtate, be laid upon the annual Intereſt or Profit, and not upon the whole Capital thereof; nor unleſs the whole Method of Aſſeſſing, Collecting and Paying in of the ſame, be particularly and ſpecially laid down in the Body of ſuch Bill or Act itſelf, and not by Reference to any other Bill or Act; nor unleſs, in order that ſuch Bill or Act may be founded in equal Juſtice, there be effectual Clauſes therein to aſcertain the true and real Rent or yearly Value of every Eſtate in Land or Houſes in the Province; Firſt, by having a good Number of the moſt conſiderable Inhabitants out of every Townſhip in the ſeveral Counties inſerted in the Bill as Commiſſioners; ſuch Commiſſioners, before they act, to be ſolemnly ſworn, or affirmed, to do impartial Juſtice, and to have Power in them to cite and compel to appear and be ſworn or affirmed before them, all Tenants and other Perſons, in order to diſcover what Rents are really and truly paid, in Caſes where Lands or Houſes are lett out at Rack Rents; and in other Caſes, or where Perſons occupy their own Land, or reſide in their own Houſes, the Commiſſioners to have Power to enquire by the Means aforeſaid, or by any other lawful and reaſonable Ways and Means, what the Inheritance of ſuch Lands and Houſes is worth to be ſold at the utmoſt, and then to eſtimate and tax ſuch Houſes and Lands as of the yearly Value of ſo much as the Intereſt of ſuch Sum, at the low Rate of *Three Pounds per Centum per Annum*, amounts to; nor unleſs all occupied and unimproved Lands whatſoever, and alſo all our Quitrents in the ſaid Province be expreſſly excepted and exempted from ſuch Tax: But in caſe the Aſſembly ſhall propoſe to raiſe Supplies by a Land Tax Bill, and ſuch Bill ſhall

be

be clear of every the foregoing Objections or Prohibitions, and ſhall not contain any Tax further than after the Rate of *One Shilling*, *Two*, *Three*, or at the utmoſt *Four Shillings* in the *Pound*, for any one Year, upon the annual Rent or yearly Value, to be aſcertained as aforeſaid, of Houſes, Lands or Tenements, in the ſaid Province; and alſo to tax perſonal Eſtates in the ſaid Province, ſubject to the foregoing Regulations; then, and in ſuch Caſe, you may give your Aſſent to the ſame, if you think the ſame a reaſonable, juſt and neceſſary Bill in all other Reſpects. And you ſhall take Care, that every ſuch Bill or Act, which you ſhall aſſent to, ſhall contain Clauſes for the Tenants of real Eſtates paying ſuch Tax, and deducting the ſame out of the yearly Rent payable to the Landlord, provided ſuch yearly Rent amounts to the Sum of *Twenty Shillings* and upwards, according to the Act for laying a Land Tax in *England*, and Clauſes for Diſtreſs upon any Matters diſtrainable, being upon the taxed Premiſes; but no Clauſe or Power to diſtrain or ſell the Houſe or Land itſelf, or any Part thereof, in any Caſe, for Satisfaction of the Tax; and unleſs ſuch Clauſes be inſerted, you ſhall not give your Aſſent to any ſuch Bill or Act. And whereas we are, and always have been, moſt ready and willing to bear a juſt Proportion along with our Tenants in any neceſſary Tax for the Defence of the ſaid Province, which ſhall be equally laid upon the Lands of the Inhabitants, and alſo upon any of our Mannors or Lands, which are actually lett out on Leaſes, either for Lives or Years, as being Eſtates in ſome Degree like to thoſe of which the Inhabitants are poſſeſſed; therefore you are at Liberty to give your Conſent to any reaſonable Bill or Act for that Purpoſe, provided the Tax to be paid for ſuch our laſt mentioned

tioned Eſtates ſhall be payable by the Tenants and Occupiers, who ſhall deduct the ſame out of the Rents payable by them to us. And you ſhall not conſent to any Bill or Act for taxing the Fine or Purchaſe-Monies, to be paid to us by any Perſon, on Purchaſe from us of any Eſtate, in Fee-ſimple, or for Life or Lives, as the Tax is to be laid on the Land; and the Taxing the Money paid for the Purchaſe of the Lands, or of a Freehold or Inheritance therein, would be, in Effect, to pay two Taxes for the ſame Thing; and that Landlords, in this Kingdom, do not pay any Land Tax for ſuch Purchaſe-Monies, but only for the reſerved Rent, when it amounts to above *Twenty Shillings per Annum*, the Reſidue of the Tax for ſuch Land being paid by the Purchaſer.

A true Copy, compared with the Original, by

RICHARD PETERS, Secretary.

REPORT of the Committee on the above Inſtructions.

THE Preamble to the Eleventh Inſtruction ſets forth "That the *Intereſt Money* ariſing from the Loan of "Bills of Credit in this Province, was intended by the Pro-"prietaries, and the Houſe of Repreſentatives, to be ap-"plied for the Public Service of the Province, and of the "Inhabitants thereof, and ſhould therefore, under the Di-"rection of the ſame Power that raiſes it, be moſt carefully applied

" applied to thoſe Purpoſes, as a greater Security to the " People againſt Miſapplications, than if it was intruſted on- " ly to one Branch of the Legiſlature; and ſuch was the ' ancient Practice in their ſaid Province." That the Intereſt Money was intended to be applied for the Public Service of the Province, and of the Inhabitants thereof, is undoubtedly right; but that it was ever the " Practice," or that there was ever even a ſingle Inſtance of the Proprietaries or their Deputies having a Vote in the Application of the Intereſt Money, we muſt abſolutely deny. Their Conſent to the Diſpoſition is not required in any of our Loan Acts from the Beginning to this Day, the conſtant Tenor of thoſe Laws being, that the " Intereſt Money ſhall be diſpoſed of " as the Aſſembly of this Province ſhall from Time to Time " order and direct." Their Conſent was never asked, unleſs in the Acceptance of Preſents made them out of that Intereſt, which could not be forced on them without their Conſent; and that Kind of Application they have indeed been graciouſly pleaſed to conſent to from Time to Time, to the Amount of above *Thirty Thouſand Pounds* given to themſelves out of that Fund and the Exciſe. If this was a " Miſapplication," and we know of no other, the Power they contend for would not have prevented it; for 'tis ſcarce probable they ſhould ever diſapprove or refuſe to ſign Acts, or Reſolves, which they thought ſo juſt and reaſonable.

And indeed, had theſe Preſents been always as regular as the Seaſons, and never intermitted, be the Conduct of the Governor ever ſo inconſiſtent with the Public Good, our Committee have Reaſon to believe, this new Inſtruction had never been formed or thought of. But ſince the Repreſen-

tatives

ſatives of the People have dared to ſignify their Diſapprobation of a Governor's Meaſures, by witholding thoſe Tokens of their Eſteem, Affection and Gratitude, which were conſtantly given when they found themſelves well governed: this Inſtruction is thought neceſſary to be inforced. Not "for the greater Security of the People againſt Miſappli-"cation," for they never complained of any; but to *compel* your Continuance of thoſe Preſents; to *compel* an Addition to them, for they are thought too ſmall; and to *compel* the Payment of what they are pleaſed to call the *Arrears* of ſuch Preſents to any Governors from whom they have at any Time been withheld. For if the People's Money cannot be diſpoſed of for their own Benefit, without the Proprietary or his Deputy's Conſent, the Paſſage of the Bill, or the Approbation of the Reſolve, muſt be "*facilitated*," as the Proprietaries were pleaſed to tell us on a former Occaſion, "*by a Regard to their* INTEREST,"-----that is, by putting at the ſame Time into their private Pockets whatever Share of the Public Money they ſhall be pleaſed to inſiſt on, under the ſpecious Name of *Salary* or *Support*; tho' by the Quit-rents, and even by their other Fees and Perquiſites, eſtabliſhed by Law or taken by Cuſtom, they have already a Support much more than ſufficient.

The Money ariſing by the Intereſt of the Bills of Credit, as well as that ariſing by the Exciſe, is paid wholly by the People. To diſpoſe of their own Money, by themſelves or their Repreſentatives, is, in our Opinion, a natural Right, inherent in every Man, or Body of Men, antecedent to all Laws.-----The Proprietaries pay no Part of this Money, and therefore can have no Right to a Share in the Power of diſpoſing

posing of it.----They might as reasonably claim a Right to a Negative in the Disposition of every Man's private Fortune, and for the same Reasons, to wit, "the Man's greater Se-"curity, and to prevent Misapplication;" nay, the Reasons would be stronger, Bodies of Men not being generally so apt to misapply their Money, as single Prodigals.----The People have never complained that any such Misapplication has been made by their Representatives: On the contrary, they have shewn their Approbation of the Conduct of the Assembly in this tender Point, by long repeated annual Elections of the same Men to the same Trust in the same Office. They have always seen their Money disposed of, from Time to Time, for the Advantage and Honour of the Public, or for the King's immediate Service, and they had Reason to be contented with the Disposition.----The Public Credit has been constantly preserved, and every Man who served the Government, has been always duly and readily paid: But if this new-claimed Negative in the Proprietaries takes Place, the People will not have it in their Power to reward the Man that serves them, or even to pay the Hire of the Labourer that works for them, without the Governor's Leave first purchased; much less will they be allowed to support an Agent in *England* to defend their Rights, or be able to pay the Expence of prosecuting their complaints when oppressed.----And to prevent their doing this, is, we conceive, another *main View* of this Instruction.

In short, it does not appear to your Committee that this extraordinary Instance of the Proprietary's Care of the People's Money, to prevent its being wasted by their own Representatives, was for the People at all necessary. Those Re-

presentatives

preſentatives themſelves are a Part of the People, and muſt bear a Share of their Burdens. For their own Sakes, therefore, as well as to recommend themſelves to the Eſteem and Regard of their Conſtituents, it is highly probable they will execute that Truſt, as they always have done, with Juſtice, Prudence and Frugality; with Freedom to the King's Service, and grateful Generoſity to Governors that ſincerely ſeek their Welfare, and do not join with the Proprietaries to oppreſs them.----But this Inſtruction might perhaps be neceſſary to *extort* thoſe Grants to Governors which they have been pleaſed to ſtile *Salary*, and render That *certain*, which before depended on the *Good Will of the People*: For how elſe can the Proprietaries be ſure of that Share of thoſe Grants, which, *by their private Contracts ſometimes made with their Governor, is* (if Report ſays true) *to be paid to themſelves?*

The Proprietaries are however willing to permit the Renewal of the *Eighty Thouſand Pounds*, which is now to ſink in a few Years, and even to add *Forty Thouſand Pounds* more, the whole to be emitted on Loan; "*provided*, that the "Eleventh Inſtruction be complied with, and half the "Power of applying the Intereſt reſerved to them; and "*provided*, that all *Rents and Quitrents* due, or to be due or "payable *to them*, be always paid according to the Rate of "Exchange at the Times of Payment between *Philadelphia* and "*London*, or ſome other ſufficient Proviſion enacted in Lieu "thereof, as was done by a former Act.----Your Committee cannot help obſerving here, that the Proprietaries *Tenderneſs for their own Intereſt* appears in this Inſtruction much ſtronger than their Care for That of the *People*. Very

great Emoluments ariſe to them by Emiſſions of Paper Money on Loan, and the Intereſt Money is a Tax they are clear of. They are therefore willing the Quantity ſhould be encreaſed; but whatever Advantages they receive from it, they are reſolved to ſuffer no Diſadvantage from any occaſional Depreciation: For they will always be paid their Rents and Quitrents, *according to the Rate of Exchange between* Philadelphia *and* London. By the original Agreements, thoſe Rents and Quitrents were to be paid in *Sterling* Money (or the Value in Coin current) to the Proprietary Receivers *in the Province*. A Bill of Exchange, beſides the *Sterling* Sum convey'd, includes all the Freight, Risk and Expence of conveying that Sum in Specie to *London*. Now we conceive the People are not, nor can in Juſtice or Reaſon be, obliged to tranſmit their Rents to *London*, and pay them there to the Proprietaries. If the Proprietaries ſhould think fit to remove to *China*, they might as juſtly add to their Demand the Rate of Exchange between *London* and *Canton:* This therefore is EXTORTION, and ought never to be allowed in any future Act, nor any Equivalent made for it. For had that Equivalent been really given as a Matter of Juſtice, and not extorted as Purchaſe Money for the Law, it would have been extended to the Rents of private Landlords, as well as thoſe of the Proprietaries. Beſides, the great Sums to be yearly remitted to them in *London*, for which no Returns come back to the Country, naturally tend to raiſe the Exchange; and even put it in the Power of their Agents to raiſe it occaſionally, juſt before the periodical Time of Payment (to the great Injury of the People) and to lower it again at their Pleaſure; a dangerous Power this, if no Inconvenience can ariſe to themſelves by the Riſe of Exchange!

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The Depreciation of Money in every Country where it happens is a common Calamity. The Proprietary Eſtate, ought not to be exempt from it, at the Expence of all other Eſtates. There are many fixed Ground Rents, and other Rents ariſing in the Province belonging to the People, and due to private Eſtates. Theſe Rents have as much Right to be conſidered, and their Deficiency, in caſe of Depreciation, provided for out of the Public Funds, as thoſe of the Proprietaries. But of theſe they take no Care, ſo their own are ſecured. It appears however to your Committee, that all Rents in the Country ought to be on the ſame Footing, with regard to any Loſs by the Depreciation of its Currency, ſince that is leſs likely ever to happen which it is the Intereſt of all to prevent.

Your Committee now come to the Twenty-firſt Inſtruction, by the Preamble of which it is inſinuated, as if Acts for Provincial Taxes had been common in this Province, and that the Proprietary's Eſtate had been always exempted in ſuch Acts; whereas the Truth is, that there never were but two or three, and thoſe in the early Times of the Provinces when the Proprietary's Circumſtances were low, his Affairs incumbered, and the Quit-rents ſo ſmall, as to be inſufficient for his Support, and therefore they were not only exempted from any Part of ſuch Tax, but Duties and Licence Fees were granted to help them out.-----For more than Forty Years, as the Exciſe and Intereſt Money have been ſufficient for Support of Government, no Provincial Taxes have been levied (in this very Inſtruction, a little lower, they themſelves acknowledge none have been raiſed in their Time) and the Proprietary Eſtate has vaſtly increaſed: Thoſe Licence

Fees

Fees are alſo vaſtly increaſed, and yet they ſtill receive them. But that their Eſtate ſhould now be exempt from Provincial Taxes, raiſed for the Defence of that very Eſtate, appears to us extreamly unreaſonable. During the Diſtreſs of the Family, there was likewiſe a voluntary Subſcription among the People to pay the Proprietary's Paſſage to *England*: They may from thence as juſtly claim a Right of having their Expences borne by the Public whenever they croſs the Seas. But when thoſe Aids were granted to the old Proprietary, he had a much better Claim to them than his Sons; for he undertook to act as an Agent and Advocate for his People, in *England*; to defend and ſecure their Rights and Privileges; not, like his Succeſſors, to aboliſh and deſtroy them

The Inſtruction farther ſays, That "ſince the Expiration "of theſe former Laws, no Aid hath ever been granted by "the Aſſembly to them as Proprietaries." As Proprietaries, what Right have they to Aids? Are they not hereditary Governors of the Province? and while they have indulged themſelves with an almoſt conſtant Reſidence in *England*, remote from their Country, and greatly to its Inconvenience and Prejudice, have not the Aſſemblies conſtantly ſupported their Deputy, ſent by the Proprietaries to do what they ought themſelves to have done in Perſon; though he was often an imperfect Deputy, reſtrained in thoſe Powers which ſhould always ſubſiſt and be preſent in every Government for the common Welfare? But they are pleaſed to ſay, "they have "voluntarily and chearfully expended ſeveral conſiderable "Sums of their own Money for the Advancement of the "Province." This they ſaid likewiſe to a former Aſſembly, and the Anſwer was, "We are *unacquainted* with theſe Ex-

"pences;

" pences ; let the Accounts be laid before us, and whatever Expence appears to have been made for the Service of the " Province ſhall be allowed, and repaid with Thanks."---- Thoſe Accounts have never yet appeared ; and till they do, we think they ought not to be made the Foundation of any Claim whatever.

They ſay farther, " That they had no Reaſon to ſuſpect " that the Aſſembly would deviate ſo much from the former " Uſage, as to pretend, *by any Act of theirs*, to charge the Pro- " prietary Eſtate in the Province with the Burden of any " Taxes." Amazing ! If the Aſſembly deviated from the former Uſage, by taxing their own Eſtates, and thoſe of their Conſtituents (their uſual Funds failing) why ſhould they not deviate in the ſame Manner in taxing the Proprietary Eſtate? And what are the particular Merits of this Family, that when the whole *Britiſh* Nation, when every Eſtate in the Kingdom, as well as in this Province, is taxed, towards the Recovery and Defence of their Eſtate in *Pennſylvania*, that very Eſtate alone ſhould be exempted, and they ſo confident of its Right to an Exemption, *as to have no Reaſon to ſuſpect* the Aſſembly would attempt to tax it ?

But it ſeems " the Aſſembly have repreſented them in an untrue Light, as if unwilling to " aſſiſt the Public, by con- " tributing towards the Defence of the Country, tho' no Ap- " plication had ever once been made to them for that Pur- " poſe." How far they are placed in an *untrue* Light on this Account, will, we preſume, appear before we finiſh this Report. It appears too, by a Report of a former Committee.----They likewiſe ſay, " no Application was ever

once

" once made to them for their Aſſiſtance towards the De-
" fence f t he Country." Heretofore 'twas thought the Country was beſt defended by maintaining Peace and a good Underſtanding with the *Indians*. This was done from Year to Year by expenſive and repeated Preſents. The Proprietary reaped great Advantages from this good Underſtanding and theſe Preſents, in his Bargains with the *Indians* for Lands. The Expences grew yearly more and more heavy, and repeated humble Applications were made to the Proprietaries, that they would be pleaſed *to bear a Part*, but without Succeſs. They vouchſafed indeed an Anſwer to the laſt Application, but it was to reject it with the utmoſt Pride and Scorn, claiming *an inherent Right of Exemption* of their Eſtate *from all public Charges whatſoever*, in virtue of their being Governors as well as Proprietaries. And the *Sixty Thouſand Pound* Bill is called an Attempt of the Aſſembly by " *an Act of theirs*," to charge the Proprietary Eſtate, as if they had preſumed to do it alone by their own Authority. The Aſſembly could not poſſibly think of taxing the Proprietary Eſtate, without the Conſent of the Proprietaries by their Deputy; the Bill was therefore another humble Application to the Proprietaries for their Conſent to a Thing ſo reaſonable; and the very Stile of it was, " *we pray* that it may be enact-
" ed." But that Prayer could not be granted, though the Province was on the Brink of Ruin. And yet, it ſeems the Proprietaries were not " unwilling;" though their Deputy declared they had expreſly *reſtrained* him even by the Words of his Commiſſion!---The Bill however is ſtigmatized with the Character of " *moſt unjuſt* and *extraordinary*." Thus it is, when Men judge in their own Caſes. Theſe Gentlemen think it *unjuſt* to tax their Eſtates, though all the World

World thinks otherwiſe. As Provincial Taxes had not been uſual, it might be *ſo far* extraordinary; but the Mode of Taxation was by no Means extraordinary, being the ſame with that of raiſing our County Rates and Levies, long uſed and approved by the Province.---And the Taxing of Proprietary Lands is uſed both in *New-Jerſey* and *Maryland*; and located unimproved Lands have formerly been taxed in this Province. Had ſuch been taxed every where from the firſt Settlement of *America*, we conceive it would have tended to the Increaſe of the Inhabitants, and the greater Strength of the Colonies; for then ſuch immenſe Quantities of Land would not have been monopolized and lain dormant, but People would more eaſily have obtained Settlements, and been ſeated cloſer together.

But the Proprietaries would have it underſtood, that it is not for their own Sake only, that they object to the *Fifty Thouſand Pound* Bill which was refuſed, or the *Sixty Thouſand Pound* Act that paſſed. They are tenderly concerned for the Eſtates of others. No Part of the Lands of a Delinquent, who refuſes or neglects to pay his Tax, ought, in their Opinion, to be ſold for Payment; though Lands in *America* are by Act of Parliament made liable to be ſold for Diſcharge of Debts, and were almoſt always ſo here by the Laws of this Province. If Lands, or Parts of Land, may be ſold to ſatisfy *private*, why not *public* Debts? And though it be unuſual in *England*, it has long been the Practice, as we are informed, in ſeveral of the Colonies, particularly in *New-England*. But they ſay, "a Tax of *One Shilling* in the "*Pound* on the whole Value, is what never was laid, nor "can poſſibly be paid, in any Country." Strange! May

not

not a Country in imminent Danger give a Twentieth Part of their Eſtates to ſave the other Nineteen? Is it impoſſible even to give a Half, or three Fourths, to ſave the other Half or Quarter? May they not even give Nineteen Parts to ſave the Twentieth? The Proprietary's Gift of *Five Thouſand Pounds*, they afterwards ſay, is twenty Times more than their Tax, if fairly and equally aſſeſſed, could by that Bill have amounted to. If ſo, it is poſſible to give the whole twenty Parts.---But it has always been underſtood, that Eſtates are not to be taxed to the full Value they might ſingly ſell for. In the ſame Bill it was provided, that located unimproved Lands ſhould not be valued in the Rates at more than *Fifteen Pounds per* Hundred Acres; when 'tis well known, that the Proprietary's loweſt Price for wild Land on the Frontiers is *Fifteen Pounds Ten Shillings*, *per* Hundred; and that the located unimproved Lands in their Manors, are, ſome of them, valued at *Three* or *Four Hundred Pounds per* Hundred; they may therefore well ſay, that "if that Tax had been FULLY "aſſeſſed, it muſt have amounted to many Times the Sum;" but then their next Aſſertion is ſomewhat inconſiſtent, *viz.* That the Bill laying this Tax was "moſt unjuſtly calculated "for the Purpoſe of putting it in the Power of the Aſſeſ-"ſors to tax the Proprietary Eſtates *up to the full Value*, "and to eaſe other Perſons, by taxing them ſo lightly, "as only to make up *the Reſidue* of the *Fifty Thouſand Pounds*, "*in which Caſe*, much the *greateſt Part* of the Burden might "have been laid on the Proprietary Eſtates alone."---The Value of the Proprietary Eſtate has long, for prudential Reaſons, been kept a profound Secret; and the Proprietaries have lately given *Five Thouſand Pounds* rather than ſubmit it to the Enquiry of the Aſſeſſors. But your Committee

conceive

conceive ſome Light may be obtained on that Head, from this Part of the Inſtruction compared with the *Fifty Thouſand Pound* Bill. By that Bill their wild unſurveyed, or unlocated Lands, which are many Millions of Acres, were not to be taxed at all, though they never ſell any of them for leſs than *Fifteen Pounds Ten Shillings, per* Hundred Acres. Their taxable Eſtate conſiſts chiefly in located (though uncultivated) Tracts and Manors, and in the reſerv'd Quitrents ariſing from the Lands they have ſold. Theſe Manors, and Tracts are generally choice, being of the beſt Lands, pick'd out of every new Purchaſe from the *Indians*, by their Surveyors, before the Office is opened, and laid by for a Market, not to be diſpoſed of till all the ſurrounding Lands are ſold and ſettled. This has increaſed their Value prodigiouſly, ſo that they are now, one with another, valued at more than *Three Hundred Pounds per* Hundred: Yet by the Bill, they were not to be taxed as worth more than *Fifteen Pounds per* Hundred.---And they own, that by the ſame Bill, "their *Quitrents* were to be taxed in the *ſame* "*Manner* as *other Eſtates*," conſequently as great an Abatement to be made in the Valuation. And yet by this ſame Bill, under this very moderate Valuation of their Eſtate, they ſay it would have been in the Power of the Aſſeſſors to have laid *much the greateſt Part* of the Burden on their Eſtates *alone*. Now, *much the greateſt Part* of *Fifty Thouſand Pounds* may be *Forty Thouſand Pounds*, but we will ſay (for Moderation's Sake) it is only *Thirty Thouſand Pounds*, and that Sum might have been raiſed by that Bill, on the Proprietary Eſtates, in two Years, by a Tax of *One Shilling* in the *Pound*, i. e. *Fifteen Thouſand Pounds per Annum.* The Shillings in Fifteen Thouſand Pounds are Three Hundred Thouſand, conſe-

quently their Eſtates at that low Valuation are worth *Three Hundred Thouſand Pounds.* But if you multiply that Valuation by 20, to bring it nearer the Truth, thoſe Eſtates muſt amount to *Six Millions*, excluſive of their wild Lands as aforeſaid. If this Computation be too high, they may be able hereafter to ſhew its Miſtakes. At preſent, we conceive the Conſequences fairly drawn from Facts and their own Premiſes.----And yet this their enormous Eſtate is, by their Inſtructions, to be exempted, while all their Fellow Subjects groan under the Weight of Taxes for its Defence, it being the firſt attacked in the preſent War, and Part of it on the *Ohio*, the Prize contended for by the Enemy.---For though they, towards the End of this Inſtruction, pretended to be "moſt ready and willing to bear a juſt Proportion along "with their Tenants in any neceſſary Tax for the Defence "of the Province," yet this appears clearly to be a *mere Pretence*, ſince they abſolutely except their Quitrents, and their located unimproved Lands, their Fines, and the Purchaſe-Monies they have at Intereſt; that is, in a Manner, their *whole Eſtate*, as your Committee know of little they have left to be taxed, but a Ferry-houſe or two, a Kitchen, and a Dog Kennel.

But unimproved Lands ſhould not, in our Proprietaries Opinion, pay any Taxes, becauſe "they yield no annual "Profit." This may deceive People in *England* (where the Value of Land is much at a Stay) as they are unacquainted with the Nature of Landed Eſtates in growing Plantations. Here new Lands, without Cultivation, without Fencing, or ſo much as cutting down a Tree, being reſerved and laid by for a Market till the ſurrounding Lands are ſettled, improve much more in yearly Value even than Mo-

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ney at Intereſt upon Intereſt.---Thirty Years ago, the beſt and richeſt Lands near the Proprietary's *Coneſtogoe* Manor, were worth and ſold for about *Forty Pounds per* Hundred Acres.--- That Manor was then laid out and reſerved, containing near Seventeen Thouſand Acres: And now the Lands of that very Manor, which, though ſo long located, have never yet been cultivated, will ſell for *Three Hundred* and *Fifty Pounds per* Hundred Acres; which is near *Nine* for *One*, or *Eight Hundred per Cent* advance. Can an Eſtate thus producing *Twenty five per Cent. per Annum* on the prime Coſt, be, with any Propriety, called "an *Eſtate yielding no annual Profit?*" Is it not a well known Practice in the Colonies, to lay out great Sums of ready Money for Lands, without the leaſt Intent of Cultivation, but merely to ſell them again hereafter? Would People follow this Practice if they could not make more Profit of their Money in that Way, than by employing it in Improvement of Land, in Trade, or in putting it to Intereſt, though Intereſt in the Plantations is from *Six* to *Ten per Centum*? Does not ſuch Land, though otherwiſe *unimproved*, improve continually in its Value? How mean and unjuſt is it then, in theſe Gentlemen, to attempt to conceal the Advantages of this Kind of Eſtate, and ſcreen it from Taxes, by lurking under the *ambiguous* and *deceitful* Terms, of *unimproved* Lands, and *Lands yielding no annual Profit*?

Meanly unjuſt indeed, in this Inſtance, do they appear to your Committee; who cannot but obſerve, that the Proprietaries, knowing their own Inclinations to ſcreen their own Eſtates, and load thoſe of the People, from thence ſuſpected the People might be equally unjuſt, and intend, by the *Fifty Thouſand Pound* Bill, to eaſe *their* Eſtates, and load

thoſe

thoſe of the Proprietaries. " The Bill, ſay they, appears " to us to be *moſt unjuſtly calculated*, for the Purpoſe of put- " ting it in the Power of Perſons, wholly choſen by the " People, to tax our Eſtates up to the full Value therein " mentioned, and to eaſe other Perſons by taxing them ſo " lightly, as only to make up the Reſidue that might be " wanted to compleat the *Fifty Thouſand Pounds*. In which " Caſe the Perſons choſen by the People might have laid " *by much the greateſt Part* of the Burden upon our Eſtates " alone."--- Had they intended to raiſe *much the greateſt Part* of the Tax of *Fifty Thouſand Pounds* on the Proprietaries Eſtate, would the Houſe ſo readily have accepted of *Five Thouſand Pounds* in Lieu of their Share of that Tax ?--- But why this Suſpicion of the Aſſembly ? What Inſtance of Injuſtice can the Proprietaries charge them with, that could give Ground for ſuch a Suppoſition ? If they were capable of ſuch an Intention, and an Endeavour to get *Iniquity eſtabliſhed by a Law*, muſt they not be the moſt unjuſt and diſhoneſt of Men ? The Aſſeſſors, it is true, are choſen by the People ; they always were ſo by our Laws, and let a Man's Eſtate be ever ſo great, he has but one Vote in the Choice of them : But have the Proprietaries no Friends in their Province ? What is become of all their Dependants and Expectants ; thoſe in Place, or hoping for Places ; the Thouſands in their Debt ; the Mortgagers at their Mercy ? Will none of theſe, out of Love, or Hope, or Fear, vote for honeſt Aſſeſſors, that may take Care the Proprietary is not oppreſſed by the Weight of an unjuſt Tax ?---Could the Aſſembly be certain, that the whole People were ſo wicked, as to join in chuſing and truſting Setts of diſhoneſt Aſſeſſors, merely to wrong the Proprietary ?

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Are there no Laws in the Province againſt Perjury? Are not the Aſſeſſors by Law to be ſworn or affirmed to aſſeſs themſelves and all others impartially; and have they not always been choſen as Men of Note for Probity and Juſtice? What a dark Proſpect muſt a Man's own Heart afford him, when he can *from thence* form ſuch Ideas of the Hearts of a whole People! A People famous throughout the World, for the Juſtice and Equity of their Laws, the Purity of their Manners, their Humanity and Hoſpitality to Strangers, their Affection to their late honoured Proprietary, their Faithfulneſs in their Manufactures and Produce, and Uprightneſs in all their Dealings! And to whoſe Virtue and Induſtry theſe very Gentlemen owe all their preſent Greatneſs.

The Proprietaries are pleaſed farther to ſay, "That "the Laying Taxes on the real Value of the Fee-ſimple, "and the Sale of Land for the Payment of Taxes, are "contrary to the Laws and Statutes of *Great-Britain*." Your Committee cannot find that any Laws or Statutes were ever made in *Great-Britain* to regulate the Mode of laying Taxes in the Plantations; and if there are none ſuch, our Bill could not be *contrary to* what never exiſted. In *Virginia* the Taxes are laid on Slaves, and paid in Tobacco; and every Colony has its own Mode of Taxation, ſuited to its own Circumſtances, almoſt all different from each other as well as from that uſed in *England*. But *different from*, and *contrary to*, we conceive to be diſtinct and different Things; otherwiſe many of our Laws, even thoſe which have been approved at Home, and received the Royal Aſſent, are *contrary to* the Laws of *England*.--- But as we ſaid before, the Laws of *England* themſelves, make Lands liable to pay Debts in the Colonies, and there-

fore

fore to ſell them, or a Part of them, to pay public Debts, is not contrary to, but conformable with, the Laws of *England*.

But the Proprietaries "cannot find that the Quitrents re-"ſerved to the Crown---in any of the other *American* "Colonies, have ever been taxed towards the Raiſing any "Supplies granted in thoſe Colonies; and indeed thoſe "Quitrents are generally *ſo ſmall* (meaning the King's "Quitrents, we ſuppoſe, for their own ſurely are *large* "*enough*) that little or no Land Tax would be due or pay-"able on them, if ariſing in *Great-Britain, &c.*"---If your Committee are rightly informed, the King's Quitrents in the other Colonies, are applied to *public* Purpoſes, generally for the Service of the Colony that raiſes them. When our Proprietaries ſhall think fit to apply thoſe ariſing here in the *ſame Manner*, we believe no Aſſembly will attempt to tax them. The Smallneſs of the Parts, we cannot conceive to be a good Reaſon for not taxing the Whole. Where every Man worth leſs than *Twenty Shillings* a Year is exempt from Taxes, he who enjoys a *Thouſand* a Year might, as well as our Proprietaries, plead to be excuſed, for that his Income is only *Twenty Thouſand Shillings*, each of which Shillings is far within the Sum exempted by Law.---In the whole, tho' what ariſes from each Eſtate be no great Sum, their Quitrents muſt amount to a very great Revenue; and their ſpeaking of them in the diminutive Terms of *very ſmall Quitrents or Acknowledgments*, is only to amuſe and deceive. They are Property; and Property ſhould pay for its own Preſervation. They ought therefore to be taxed for the Defence of the Country.---The Proprietaries indeed

ſay,

ſay, a Land Tax was unneceſſary, as there are *many other Ways of raiſing Money*. They would doubtleſs chuſe any Way in which their Eſtate could not be included.---But what are thoſe *many other Ways ?- -Britain*, an independent State, can lay infinite Duties, on all foreign Wares, and imported Luxuries. We are ſuffered little foreign Trade, and almoſt all our Superfluities are ſent us from *Britain* itſelf. Will ſhe permit us to diſcourage their Importation by heavy Impoſts ? or to raiſe Funds by taxing her Manufactures ? A Variety of Exciſes and Duties ſerve only to multiply Offices and Officers, and to make a Part of the People pay for another Part who do not chuſe to pay. No Exciſe or Duty, was ever a fair and equal Tax on Property.---The faireſt, as the Proprietaries themſelves have acknowledged, is a Poundage on all real and perſonal Eſtate, according to its Value.

We are now to hear of the Generoſity of the Proprietaries, who, as they ſay, " were ſo far from deſiring not " to contribute to the Deſence and Support of His Majeſ- " ty's Rights and Dominions, that *immediately* on the firſt " Notice of the Defeat of General *Braddock*, they had ſent o- " ver an Order upon their Receiver-General, to pay *Five* " *Thouſand Pounds* as a free Gift towards the Defence of the " ſaid Province." --- We may preſume to aſk, why, when they knew the Aſſemblies were continually worried to give Money, and the Bills in which it was offered as conſtantly rejected ; why did they not unmanacle their Governor, and at the ſame Time ſet an Example of Zeal for the common Cauſe by a generous Gift on their Part, before they heard of that Defeat ? Why not as ſoon as they knew he was ſent

to *America*? Why not on *Waſhington*'s Defeat, or before his firſt Expedition, as ſoon as ever their Province was attacked and they learnt that the Enemy had built a Fort in it ?---- But the Truth is, the Order was ſent, *not immediately* on the News of *Braddock's* Defeat; the Date of the Order will ſhow that it was a Month after that News arived in *England*. But it was *immediately* after they had Advice, that the Governor had refuſed a Grant of *Fifty Thouſand Pounds* to the Crown for the Defence of the Proprietaries Province, becauſe their Eſtate was taxed in the Bill, alledging Reſtrictions from them on that Head; againſt which all the World exclaimed, and an univerſal Odium was falling on their Heads, and the King's Wrath juſtly dreaded; then it was, that the boaſted Order iſſued. And yet, as ſoon as their Fears ſubſided, it was ſincerely repented, and every underhand Step taken to get the Act, in which their Gift was fixed, diſapproved at Home; tho' if they had ſucceeded, when the Bills emitted were abroad, and in the Hands of the Public, many of the poor Soldiers, who had received them in Pay for their Services, would have been ruined, and Multitudes of others greatly injured.---And after all, this *Free Gift*, to be *immediately* paid, is *not yet* paid, though more than a Year is elapſed ſince the Order was given;----and Contracts, entered into by the Commiſſioners in Confidence of receiving that Money, are yet unſatisfied, to the Loſs and Diſappointment of many, and great Detriment to the Service.

However, if we will have a Land Tax, they are pleaſed to form a Bill for us, or at leaſt to direct what Clauſes ſhall be in, and what ſhall not be in it, thus violating the

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moſt eſſential Right of the Commons in a *Britiſh* Conſtitution!---and with this particular Injunction, that the Tax ſhall be laid for no more than one Year; and ſhall not exceed *Four Shillings* in the *Pound* on the income; which, eſtimating Eſtates at Twenty Years Purchaſe, is about a Fifth of a Twentieth, or, in plainer Words, a hundredth Part of the Value. Perhaps this may be well enough in Times of Tranquility; but when a Province is invaded, muſt it be given up to the Enemy, if a Tax of the hundredth Penny is not ſufficient to ſave it?---Yes, that is our preſent Situation; for the Proprietaries Inſtructions are, it ſeems, unalterable.---Their Governor is bound to obſerve and inforce them, and muſt ſee the King's Province periſh before his Eyes, rather than deviate from them a ſingle Tittle. This we experienced within a few Days, when Advantage being cruelly taken of our preſent unhappy Situation, the proſtrate Condition of our bleeding Country, the Knife of the Savage at her Throat, our Soldiers ready to mutiny for want of Pay and Neceſſaries, our People flying in Deſpair from the Frontier for want of Protection, the Aſſembly was commpelled (like *Solomon*'s true Mother) to wave her Right, to alter our Money-Bills, abridge our free Grant to the Crown by one Half, and, in ſhort, to receive and enact a Law not agreeable to our Judgments, but ſuch as was made for us by the Proprietary Inſtructions, and the Will and Pleaſure of the Governor's Council; whereby our Conſtitution and the Liberties of our Country are wounded in the moſt eſſential Part, and even violated and deſtroyed. ---We have Reaſon to confide, however, in the Juſtice of our Sovereign and a *Britiſh* Parliment, that this Tyranny ſhall not long ſubſiſt; and we hope no Time will be loſt in making the proper Application.

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In fine, we muſt ſay, in Juſtice to the Houſe, that the Proprietary's Charge againſt the Aſſembly, as " being " inclined by their Authority to tax the Proprietary Eſtate " diſproportionately, &c." is, to our Knowledge, groundleſs and unjuſt. They had as little *Inclination* as *Authority* to *wrong* him. They have not, it ſeems, *Authority* enough to oblige him to do *Juſtice*. As to their *Inclination*, they bear, every one of them, and maintain, the Character of HONEST MEN. When the Proprietaries ſhall be *truly* willing to bear an equitable Part of the Public Burden; when they ſhall renounce the exorbitant Demand of *Rent as the Exchange ſhall then be*; make Reſtitution of the Money which they have exacted from the Aſſemblies of this Province, and ſincerely repent of their Extortion, they may then, *and not till then*, have ſome Claim to the ſame NOBLE TITLE.

FINIS.

ADVERTISEMENT.

SINCE the Printing of the Note in *Page* 164, the Aſſembly thinking themſelves releaſed from the Neceſſity impoſed upon them by the unhappy Circumſtances of the Times, of exempting the Proprietary Eſtates out of the Common Taxation, have at laſt, by a ſteady and noble Perſeverance in their Reſolution of including them, and by the concurrent Interpoſition of General AMHERST, to whom the moſt greatful Acknowledgments are due, prevailed with the Governor to paſs a Bill to that Effect, whereby thoſe Eſtates are made liable to be taxed by the ſame Perſons and under the ſame Regulations with all others in the Province.

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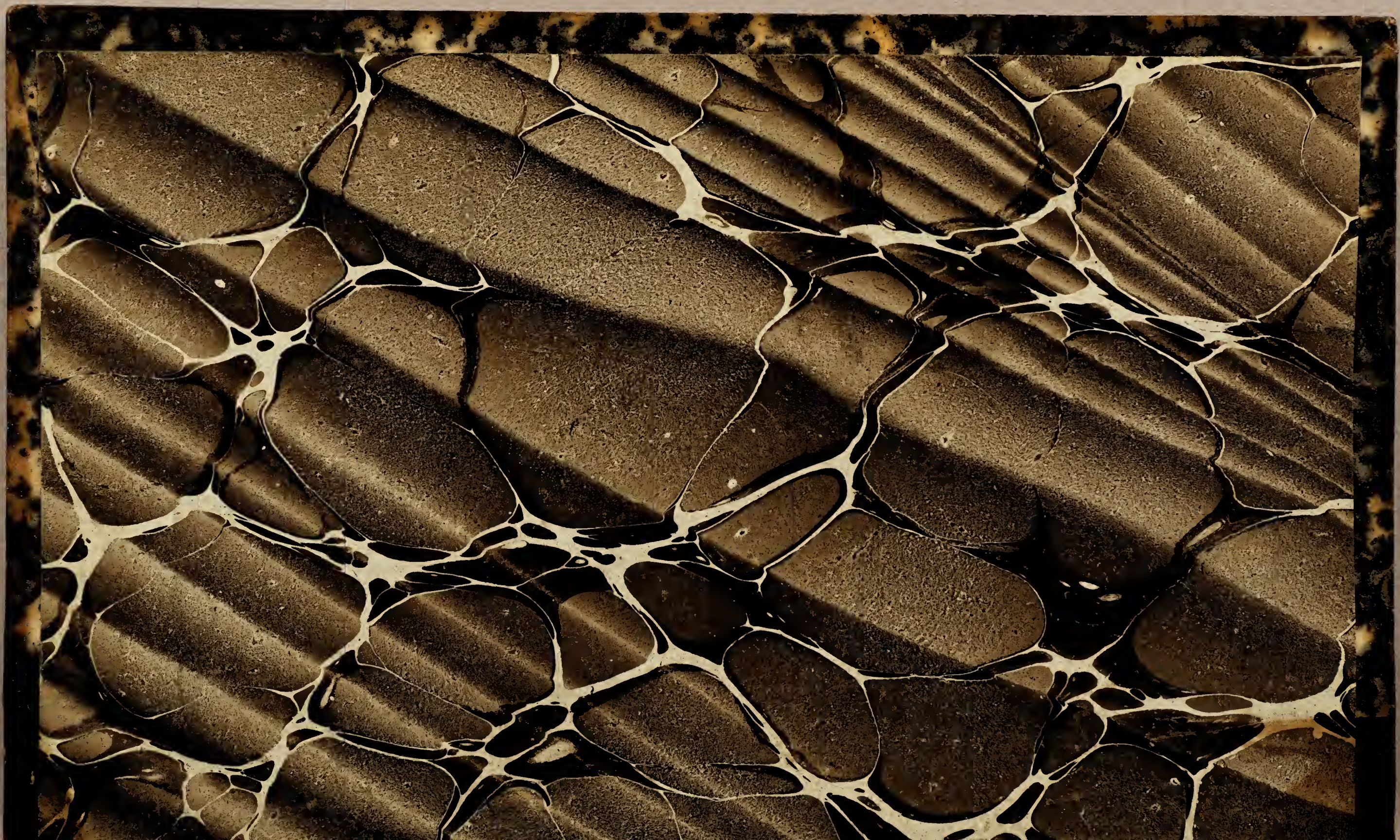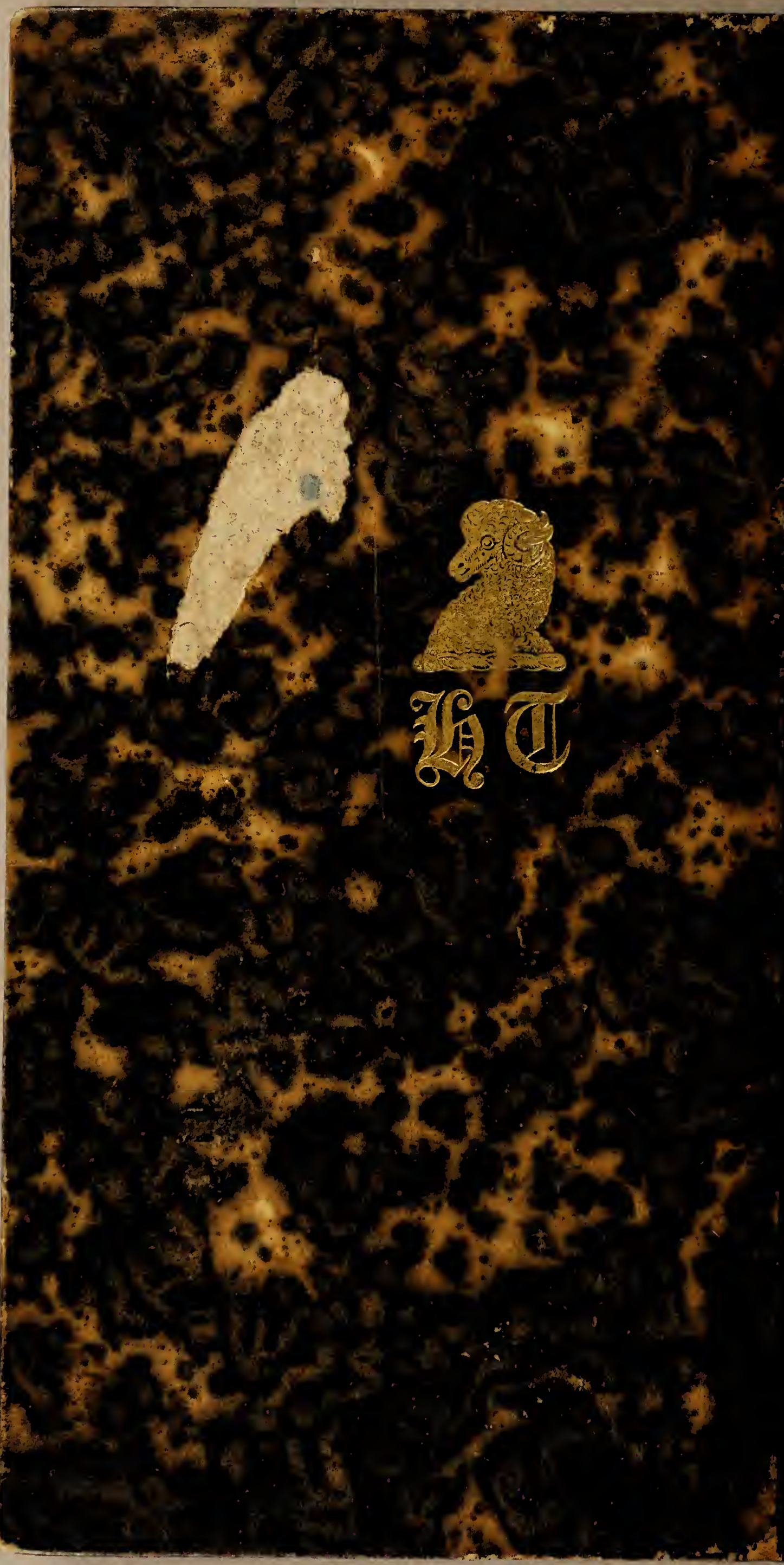
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